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**General Assembly
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Agenda item 34 (a)**

Prevention of armed conflict: prevention of armed conflict

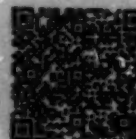
Security Council Seventy-first year

Letter dated 24 May 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Upon instructions from the Government of Ukraine, I have the honour to transmit a commentary of the Ministry of Foreign Affairs of Ukraine on the visit of the Head of Government of the Russian Federation, Dmitry Medvedev, to the temporarily occupied Autonomous Republic of Crimea (Ukraine) (see annex).

I would appreciate your kind assistance in having the present letter and its annex distributed as a document of the General Assembly, under agenda item 34 (a), and of the Security Council.

(Signed) Yuriy Vitrenko
Chargé d'affaires a.i.



Annex to the letter dated 24 May 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Ukraine to the United Nations addressed to the Secretary-General

Commentary of the Ministry of Foreign Affairs of Ukraine on the visit of the Head of Government of the Russian Federation, Dmitry Medvedev, to the temporarily occupied Autonomous Republic of Crimea (Ukraine)

24 May 2016

The Ministry of Foreign Affairs of Ukraine expresses its protest against the visit, uncoordinated with Ukraine, of the Head of Government of the Russian Federation, Dmitry Medvedev, to the sovereign territory of Ukraine in its internationally recognized borders, including the Autonomous Republic of Crimea and the city of Sevastopol.

The visit of Mr. Medvedev to the territory of the Autonomous Republic of Crimea is a clear disregard by the Russian authorities for the sovereignty of Ukraine, proof of violations by the Russian Federation of the Charter of the United Nations and norms and principles of international law, and conscious defiance by this State of its international obligations.

All responsibility for this and other violations lies with the Russian Federation as an occupying State according to the provisions of international law, its officials, as well as illegal "bodies of Crimea" and its representatives that adopt illegal decisions and perform unlawful actions.

**Security Council**

Distr.: General
8 June 2016
English
Original: Arabic

Identical letters dated 5 June 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I should like to convey to you information regarding the terrorist attacks that have been carried out against peaceful residential neighbourhoods in the city of Aleppo since Friday, 3 June 2016 and that are continuing to date.

On 3 and 4 June 2016, the so-called moderate armed opposition groups, in cooperation with the Nusrah Front and other terrorist groups, once again carried out terrorist attacks against the city of Aleppo, indiscriminately raining down hundreds of mortar shells, rocket shells and gas cylinder missiles on the Sayf al-Dawlah, Maysalun, Maydan, Hamdaniyah, Fayd, Ramusah and Sulaymaniyah areas and neighbourhoods. These terrorist attacks have so far killed more than 110 civilians, including some 40 children, and injured hundreds of others, the majority of whom were children, women and elderly persons, and caused great destruction to homes, schools, hospitals and infrastructure in those peaceful residential neighbourhoods.

These attacks are yet another example of the ongoing and systematic deadly terrorist attacks that are planned by the Erdoğan regime in Turkey and executed by the "moderate opposition" groups, in cooperation with the terrorist Nusrah Front and its affiliates, including the Army of Islam, Ahrar al-Sham and the Army of Conquest. These acts of terrorism, which are in line with the systematic and ongoing violations of the cessation of hostilities agreement being committed by those groups, are part of the barefaced attempt by the Turkish regime, and the regimes in Riyadh and Doha that support and sponsor terrorism, to undermine efforts aimed at preventing the loss of Syrian lives, and to thwart the Geneva talks and de-escalation arrangements. Unfortunately, some officials in Washington, Paris and London are still defying the opinion of the global community by refusing to have these groups added to the Security Council's list of terrorist organizations.

Certain members of the Security Council are still preventing the Council from taking immediate deterrent and punitive measures against the States and regimes that support and finance terrorism — in particular the Riyadh, Ankara and Doha regimes. Such action only gives those regimes the green light to order their terrorist proxies in Syria to continue committing terrorist acts and massacres against the Syrian people, and to continue to undermine regional and international peace and security by using terrorism and armed terrorist groups as a tool in international



relations to pursue their nefarious interests and obtain recognition of their regional political role. The refusal in the Security Council by the representatives of the United States, France, Britain and Ukraine to approve the request to have the Army of Islam and Ahrar al-Sham organizations added to the Security Council's list of terrorist groups and entities perhaps confirms that those States and others continue to apply double standards with regard to counter-terrorism, and that they are not serious in pursuing the war on terrorism. The real reason for the massacres taking place in Aleppo and the violations of the cessation of hostilities agreement is the failure to address the fact that the Turkish regime has opened its border with Syria to allow not only thousands of terrorists, all sorts of weapons and funds to pass through, but also to allow Turkish soldiers to reach the outskirts of Aleppo.

Just as the brave people of Aleppo have done in their most difficult hours, the Government of the Syrian Arab Republic affirms that these terrorist massacres and crimes will not deter it from continuing to fulfil its duty to counter terrorism and strive to bring about a political solution to the Syrian crisis through an intra-Syrian dialogue and under Syrian leadership, leading to the elimination of terrorism; the reconstruction of facilities destroyed by the terrorists and their partners, financial backers and supporters; and the restoration of security and stability for the Syrian people.

The Government of the Syrian Arab Republic calls on the Security Council to condemn these terrorist crimes immediately and forcefully. It also calls on the Security Council to fulfil its responsibility to maintain international peace and security by taking preventive and punitive measures immediately in respect of those regimes and States that support and fund terrorism, particularly the regimes of Saudi Arabia, Turkey and Qatar. The Council must prevent those States from continuing to fund terrorism and to undermine international security and peace, and must compel them to implement fully the relevant Security Council resolutions, including resolutions 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015).

I should be grateful if the present letter could be issued as a document of the Security Council.

(Signed) Bashar Ja'afari
Ambassador
Permanent Representative

**General Assembly
Security Council**Distr.: General
7 June 2016

Original: English

General Assembly**Tenth emergency special session****Agenda item 5****Illegal Israeli actions in Occupied East Jerusalem and
the rest of the Occupied Palestinian Territory****Security Council****Seventy-first year**

**Identical letters dated 7 June 2016 from the Chargé d'affaires a.i.
of the Permanent Observer Mission of the State of Palestine to the
United Nations addressed to the Secretary-General, the President
of the General Assembly and the President of the Security Council**

Yesterday, Muslims worldwide, including Palestinian Muslims in Occupied Palestine, including East Jerusalem, marked the first day of the holy month of Ramadan. This year, Ramadan began one day after Palestinians, Muslim and Christian alike, tragically marked the passage of 49 years since the onset of the Israeli military occupation of the Palestinian and Arab lands on 5 June 1967. This sombre anniversary, which comes just weeks after the observance of the sixty-eighth year since the *Al-Nakba* of 1948, is yet another painful reminder of the injustice imposed on the Palestinian people and the continued inability of the international community to fulfil its obligations under the Charter of the United Nations, international law and relevant resolutions to bring an end to this illegitimate occupation, to justly resolve the question of Palestine in all its aspects and to ensure the realization of the inalienable rights of the Palestinian people, including the right to self-determination and freedom in their own independent State of Palestine, including East Jerusalem, rights which they have for too long been denied.

Clearly, the failure to hold Israel, the occupying Power, accountable for its grave breaches of the law and ongoing brutal subjugation of the Palestinian people has protracted and exacerbated this conflict, with grave consequences to human lives and on the prospects for peace and stability. This is starkly reflected in the current situation on the ground in Occupied Palestine, including East Jerusalem, where Israel's illegal policies and practices continue to detrimentally affect every aspect of life for the Palestinian civilian population, which continues to endure, inter alia, death, injury, dispossession, displacement and countless other human rights abuses at the hands of a merciless occupying Power.

One manner in which Israel, the occupying Power, continues to exploit the international community's inaction is by continuing to systematically and deliberately colonize the Palestinian land it has belligerently, illegitimately occupied



since June 1967, in grave breach of international law, including humanitarian and human rights law, as well as international criminal law as articulated in the Rome Statute of the International Criminal Court. On a daily basis, Israel confiscates Palestinian land, expands and constructs both settlements and its annexation, apartheid wall, demolishes Palestinian homes and other civilian structures, forcibly displaces and transfers Palestinian civilians and exploits the natural resources of the Palestinian land. Despite the widespread condemnations and calls for cessation, and the international consensus that the major obstacle and biggest threat to achieving the two-State solution for peace are settlements, Israel seems determined to continue with its expansionist agenda in direct contempt of the law and of the will and calls of the international community.

On 6 June, an announcement regarding illegal settlement construction came from the so-called "Israeli Jerusalem municipality", which declared its intent to build an illegal settlement comprising 15,000 settlement units in the Qalandiya area in the occupied West Bank, which is to be renamed "Atarot". In this regard, according to media outlets, the so-called "Israeli mayor of Jerusalem", who is also heading the illegal planning and construction committee, stated: "I intend to build a neighbourhood to meet the demands of the Haredi community. ... Such an intention has always been there. I am determined to make it come true."

Such preliminary announcements occur too often and are usually approved thereafter by the right-wing Israeli Government of Prime Minister Netanyahu, under which settlement-building and expansion have continued unabated. Here, it is important to recall the many Security Council resolutions directly addressing this crime, including resolutions 446 (1979), 452 (1979), 465 (1980) and 478 (1980). In the light of the current circumstances, we continue to call upon the Security Council to reaffirm this strong and well-established position on Israel's illegal settlement campaign. A firm message must be conveyed to Israel that its settlement activities and continued entrenchment of occupation and obstruction of a peaceful solution will not be tolerated and that it will be held accountable for such breaches. In the absence of such an unequivocal message, Israel will only continue its violations with absolute impunity, a fact starkly borne out by the evidence on the ground over the years.

At the same time, I must draw your attention to the continued killing and injury of Palestinian civilians by the occupying Power. Israeli occupying forces continue to commit extrajudicial executions against Palestinian civilians who they claim are carrying out a "stabbing attack". As with other recent killings of Palestinian civilians, independent and international investigations must be carried out to provide substantial proof that these so-called "stabbing attacks" against occupying forces, which are armed to the teeth with the most lethal weaponry, ever occurred in the first place. This narrative cannot be accepted without question as it is used over and over again to justify and pardon the excessive force and acts of extrajudicial executions against the Palestinian people held captive by this cruel and violent occupation.

The latest Palestinian to be accused of a so-called "stabbing attack" was a young woman, Ansar Husam Harsha (age 25) from Qaffin town near the West Bank city of Tulkarm. On 2 June 2016, Israeli occupying forces opened fire on Ansar at the "Innab" checkpoint. Ansar was more than 10 feet away from the occupying forces when they shot her. After she was shot, Red Crescent medics rushed to the

scene to provide her with emergency medical attention, but the occupying forces, as in so many other instances, prevented help from reaching her. Tragically, Ansar, a wife and a mother of two small children, Hadeel (age 2) and Yamen (age 4), died from her wounds.

In addition, on 6 June, a Palestinian young person, Jamal Mohammed Dweikat (age 20), died after succumbing to critical wounds sustained on Friday, 3 June. Jamal was shot with live fire in the head by occupying forces when clashes broke out in Nablus in the West Bank after a group of some 4,000 right-wing Israelis, including Knesset members from right-wing parties and illegal settlement leaders, raided the eastern side of the city escorted by occupying forces, reportedly arriving after midnight and leaving at dawn Saturday morning. In addition to the death of Jamal, at least 10 Palestinians were reportedly wounded in the clashes, in which occupying forces used live fire along with tear gas canisters and rubber-coated steel bullets against Palestinian civilians.

Furthermore, in this regard, I wish to draw attention to just some of the hundreds of other crimes perpetrated by Israel, the occupying Power, in the period since our last letter to you:

18 May 2016

- Israeli occupying forces detained 19 Palestinians, including ex-minister Wasfi Qabaha (age 52), three children and two former detainees, and summoned five others during predawn raids across the West Bank, including East Jerusalem.
- A Palestinian was shot and moderately injured by occupying forces near the Al-Shuja'iyya neighbourhood, east of Gaza City.
- Occupying forces demolished a Palestinian-owned home in the town of Shuafat, on the outskirts of East Jerusalem, in connection with plans to link two illegal Israeli settlements.
- Israeli settlers attacked and severely assaulted a Palestinian child, Rami Abu Aisheh (age 16), near his home in the Tel Al-Rumaideh neighborhood of Al Khalil. After they were finished beating him up, occupying forces detained him for attempting to defend himself from the settlers' attack.
- Occupying forces issued notices for removal of four water tanks used for gathering rain-water in the town of Beit Ummar in Al Khalil, under the pretext of being present in the so-called "Area C" of the West Bank.

19 May 2016

- Israeli occupying forces detained six Palestinians, mostly during predawn raids across the West Bank.
- A Palestinian farmer was injured by Israeli ordnance when it exploded to the east of Deir al-Balah in the central Gaza Strip.

21 May 2016

- Israeli occupying forces detained two Palestinian children, Mohammed Samih Ulayan (age 10) and Mustafa Abu Al-Hawa (age 12), as they were walking in Al-Tur, before transporting them to a nearby illegal Israeli settlement. They

were interrogated by occupying forces for over six hours without a guardian present.

- Occupying forces fired on Palestinian farmers, shepherds and fishermen in the southern Gaza Strip.

22 May 2016

- Occupying forces detained at least five Palestinians from Ramallah and Al Khalil during predawn raids.
- Israeli settler bulldozers continued to level agricultural lands in Nablus and Salfit.
- Occupying naval forces fired on Palestinian fishermen, detained 10 fishermen and seized five boats in a separate incident in the northern Gaza Strip.

23 May 2016

- A Palestinian girl, Sawsan Ali Daoud Mansour (age 17) was shot and killed by Israeli occupying forces near the illegal Ras Biddu checkpoint, north of East Jerusalem.
- Occupying forces detained at least 25 Palestinians in overnight and day raids across the West Bank, including East Jerusalem.
- Occupying forces demolished Al-Anbiya Mosque in the Al-Musrara neighborhood in East Jerusalem.

24 May 2016

- Israeli occupying forces confiscated water pipes belonging to Palestinians in Kherbet Al-Hadidiya, a village in the northern Jordan Valley.
- Occupying forces detained 11 Palestinians, mostly minors, in predawn raids in Ramallah and Al Khalil.
- Occupying forces demolished the foundations of a privately owned Palestinian house in the Al-Thahra neighborhood in the town of Al-Issawiya in East Jerusalem, razed the land and knocked down its surrounding wall, in addition to several structures present on the land.

25 May 2016

- Israeli occupying forces fired at Palestinian farmers and shepherds in the southern Gaza Strip.
- Occupying forces carried out multiple raids overnight across the occupied West Bank, detaining at least 22 Palestinians.
- Occupying forces extended the detention of Mohammed Ismail Hushiyeh (age 12) for a year.

26 May 2016

- Israeli occupying forces issued demolition notices for three houses, an agricultural structure and a power line south of Nablus.

- Occupying forces detained 11 Palestinians in the West Bank, including two teenage girls from Al Khalil.

27 May 2016

- Israeli occupying forces detained a Palestinian man, Mahmoud Juma'a Saleh Hamed (age 52), two of whose children were already in Israeli jails, in the town of Silwad.

28 May 2016

- Israeli occupying forces forced Mohammed Younis Abu Tayeh from Ein Al-Lozeh, Silwan, East Jerusalem, to demolish an extension of his home (kitchen and bathroom), in order to avoid paying heavy fines, under the pretext of "construction without a permit".

29 May 2016

- Israeli occupying forces detained at least 10 Palestinians in overnight raids in the West Bank, including East Jerusalem.

30 May 2016

- Israeli occupying vehicles and bulldozers raided private Palestinian lands east of Khan Younis and levelled lands approximately 50 metres into Gaza.
- Occupying forces detained at least 28 Palestinians in predawn military raids in the West Bank.

31 May 2016

- Occupying forces detained 14 Palestinians in multiple predawn raids across the West Bank.
- Israeli naval boats opened machine gunfire on Palestinian farmers offshore Gaza City.
- Illegal Israeli settlers resumed their provocative tours into the Al-Aqsa Mosque compound in East Jerusalem.
- A Palestinian fisherman was injured and detained along with four others by Israeli naval occupying forces that attacked them off the coast of Gaza.

1 June 2016

- Israeli occupying forces detained 27 Palestinians across the West Bank, including East Jerusalem.
- Occupying tanks and bulldozers went nearly 150 metres into Palestinian agricultural land to the east of Deir al-Balah, where they proceeded to raze the land, while randomly firing live ammunition.

2 June 2016

- Israeli occupying forces detained at least 13 Palestinians during raids across the West Bank.

- Occupying forces shot and killed a Palestinian woman, Ansar Husam Harsha (age 25), at the illegal "Innab" checkpoint, east of Tulkarem.
- Israeli military bulldozers entered and razed lands in the Al-Bureij refugee camp in central Gaza.
- Occupying forces issued administrative detention orders against nine Palestinians and renewed orders against 30 Palestinian detainees.

4 June 2016

- Israeli occupying forces opened heavy machine gunfire on Palestinian farmers and shepherds to the east of Khan Younis in Gaza.

5 June 2016

- Israeli naval boats attacked the boats of Palestinian fishermen with heavy machine gunfire, causing extensive damage to at least one boat.
- Extremist Israeli settlers attempted to set fire to a Palestinian-owned store in the Old City neighbourhood in East Jerusalem.
- Occupying forces detained 18 Palestinians from across the West Bank, including East Jerusalem.

After 49 years of occupation, it is abhorrent and completely unfathomable that the Palestinian people continue to be occupied, oppressed and subjugated by this brutal occupying Power. We continue to call upon the international community, including the Security Council, to overcome its paralysis and not to remain silent any longer in the face of such egregious Israeli aggression and human rights violations against the defenceless Palestinian people. At the minimum, the Council must unequivocally demand that Israel, the occupying Power, immediately cease all of its violations against the Palestinian people and comply fully with its legal obligations under international law, including humanitarian and human rights law, and the relevant United Nations resolutions. The Palestinian people have waited for decades for the international community to intervene on the side of justice in order to free them from this illegal foreign occupation and continue to appeal to the international community to act with conscience and without further delay.

In this regard, I wish to refer to the recent ministerial meeting convened on 3 June 2016 in Paris as a "Middle East peace initiative", under the auspices of the President of the French Republic. This meeting of international partners constituted an important step in reasserting the urgency of fully ending the Israeli occupation that began in 1967 and justly resolving the Israeli-Palestinian conflict on the basis of the relevant United Nations resolutions and with due regard for the importance of the implementation of the Arab Peace Initiative. The joint communiqué issued by the Ministers underscored, inter alia, their alarm that actions on the ground, particularly acts of violence and settlement activities, are imperilling the two-State solution and highlighted not only the roles of both parties but also the responsibilities of the international community to help to preserve the two-State solution and to tangibly advance the prospects for peace. On this solemn anniversary of the forty-ninth year of occupation, we appeal to the international community to act with urgency and the highest sense of responsibility and purpose to uphold their decades-long promises and commitments and their legal obligations

to bring this injustice and tragedy to an end. The Palestinian people can no longer be reasonably asked or expected to wait for their rights and freedom; justice and peace cannot be delayed. Let this be the year that they are finally realized.

This letter is in follow-up to our 586 previous letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, which constitutes the territory of the State of Palestine. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 16 May 2016 (A/ES-10/722-S/2016/450), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations being committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators brought to justice.

I should be grateful if you would arrange to have the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(Signed) Feda Abdelhady-Nasser
Chargé d'affaires a.i.

**Security Council**

Distr.: General
8 June 2016
English
Original: Arabic

Identical letters dated 7 June 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and further to our previous letters regarding the support provided by the Jordanian regime to armed terrorist groups that are operating and committing barbaric acts of terrorism in the territory of the Syrian Arab Republic, I should like to convey to you the following information concerning the Jordanian regime's facilitation of the entry into Syria of trucks loaded with weapons for use by armed terrorist groups:

- On 28 May 2016, at 2330 hours, armed terrorist groups brought 11 vehicles from Jordan into Syria through the Abu Sharshuh border crossing, heading in the direction of Bi'r al-Rasi'i in the Suwayda' desert.
- On 29 May 2016, at 2210 hours, armed terrorist groups brought 11 vehicles from Jordan into Syria through the Abu Sharshuh border crossing, heading in the direction of Bi'r al-Rasi'i in the Suwayda' desert.
- On 1 June 2016, at 2100 hours, armed terrorist groups brought 9 vehicles from Jordan into Syria through the Bi'r Shu'ayb border crossing, heading in the direction of Bi'r al-Rasi'i in the Suwayda' desert.
- On 1 June 2016, at 2330 hours, armed terrorist groups brought 10 vehicles from Jordan into Syria through the Abu Sharshuh border crossing.
- On 2 June 2016, at 2020 hours, armed terrorist groups brought 21 vehicles from Jordan into Syria through the Abu Sharshuh border crossing, heading in the direction of Bi'r al-Rasi'i in the Suwayda' desert.

The Government of the Syrian Arab Republic reiterates that the conduct of the Jordanian regime and the direct support that it provides to terrorist organizations and groups in Syria are a blatant violation of the principles of international law, the provisions of the Charter of the United Nations and Security Council resolutions concerning counter-terrorism, including resolutions 1267 (1999), 1373 (2001), 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015), which reaffirm that States Members of the United Nations must not provide any form of support to terrorist groups or the members thereof.



The Government of the Syrian Arab Republic once again calls on the Security Council to fulfil its responsibilities and compel the Jordanian regime to desist from its practices, which threaten security and stability in the region and throughout the world.

I should be grateful if the present letter could be issued as a document of the Security Council.

(Signed) Bashar Ja'afari
Ambassador
Permanent Representative



Security Council

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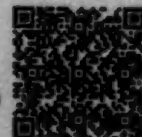
Letter dated 3 June 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the United Nations Military Observer Group in India and Pakistan (UNMOGIP).

Following the usual consultations, I wish to inform you of my intention to appoint Major General Per Gustaf Lodin (Sweden) as Chief Military Observer and Head of Mission of UNMOGIP. He will succeed Major General Delali Johnson Sakyi (Ghana), who will complete his assignment on 2 July 2016. I would like to take this opportunity to express my gratitude to Major General Sakyi for his dedication and effective leadership of the Group.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) BAN Ki-moon





Security Council

Distr.: General
7 June 2016

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**Letter dated 7 June 2016 from the President of the Security Council
addressed to the Secretary-General**

I have the honour to inform you that your letter dated 3 June 2016 (S/2016/518) concerning your intention to appoint Major General Per Gustaf Lodin (Sweden) as Chief Military Observer and Head of Mission of the United Nations Military Observer Group in India and Pakistan, has been brought to the attention of the members of the Security Council. They take note of the intention expressed in your letter.

(Signed) François Delattre
President of the Security Council



**Security Council**

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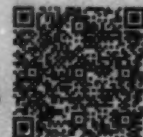
**Report of the Secretary-General on the United Nations
Disengagement Observer Force for the period from 1 March
to 20 May 2016****I. Introduction**

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) during the past three months, pursuant to the mandate contained in Security Council resolution 350 (1974) and extended in subsequent resolutions, most recently resolution 2257 (2015).

II. Situation in the area and activities of the Force

2. During the reporting period, the ceasefire between Israel and the Syrian Arab Republic was maintained, albeit in a continuously volatile environment attributable to the ongoing conflict in the Syrian Arab Republic and notwithstanding a significant number of violations of the Agreement on Disengagement between Israeli and Syrian Forces (Disengagement of Forces Agreement) of 1974, which are set out below. The Syrian Arab Armed Forces and non-State armed opposition groups engaged in exchanges of heavy weapon fire in the area of separation and the area of limitation. Different armed groups, including the listed terrorist group Nusra Front and the Yarmouk Martyrs Brigade, which pledged allegiance to Islamic State in Iraq and the Levant, continued to exchange fire in the UNDOF area of operation. Inside the area of separation, the presence of the Syrian armed forces and military equipment, as well as any other armed personnel and military equipment other than that of UNDOF, is in violation of the Disengagement of Forces Agreement. As underscored by the Security Council in its resolution 2257 (2015), there should be no military activity of any kind in the area of separation.

3. In employing its best efforts to maintain the ceasefire and see that it is scrupulously observed, as prescribed in the Disengagement of Forces Agreement, UNDOF reports all breaches of the ceasefire line. All incidents of firing into the area of separation and across the ceasefire line, as well as the crossing by individuals of the ceasefire line, are violations of the Disengagement of Forces Agreement. In his regular interaction with both sides, the Force Commander continued to call upon both parties to exercise restraint and prevent any miscalculations that might lead to an escalation of the situation across the ceasefire line.



4. A number of incidents of note occurred across the ceasefire line in violation of the Disengagement of Forces Agreement. On two occasions, Israel Defense Forces soldiers fired small arms shots at persons carrying out activities close to the ceasefire line on the Bravo side. On 28 February, United Nations personnel at position 80 observed three persons on the Bravo side, close to the ceasefire line, with two of them removing metal poles from the ground. Subsequently, an Israel Defense Forces soldier on foot, approximately 700 metres from United Nations position 80, fired a single shot that impacted close to the third person, who immediately boarded a vehicle and drove off from the location with the other two individuals. On 23 March, United Nations personnel at position 80 also observed an Israel Defense Forces patrol fire two rounds of gunfire in the general direction of three persons working in a field in the area of separation close to the ceasefire line. The three persons immediately left the area in the direction of Rafid village.

5. Crossing of the ceasefire line by civilians, primarily shepherds, from the Bravo side to the Alpha side was observed on an almost daily basis. On a number of occasions on 9, 10 and 28 March and 11 April, United Nations personnel at observation post 54 observed interaction at the Israeli technical fence between the Israel Defense Forces personnel and individuals from the Bravo side, some of whom were armed. The interactions involved vehicles from the Bravo side driving to an Israeli technical fence gate. United Nations personnel at observation post 51 observed, on 20 April, five Israel Defense Forces soldiers escort an unarmed individual to a gate in the Israeli technical fence, which they subsequently opened for the unarmed person to cross from the Alpha side into the area of separation. The individual was then picked up on the Bravo side by a person in a vehicle that drove off towards the village of Ruwayhinah.

6. In the context of the Syrian conflict, intermittent exchange of gunfire between the Syrian armed forces and armed groups continued with varying degrees of intensity in the area of separation and limitation on the Bravo side. The Syrian armed forces maintained their positions in the area of separation, particularly around Ba'th and Khan Arnabah, as well as around Hadar and in the vicinity of the tri-village area of Jubbata, Turunjah and Ufana. The northern part of the area of separation saw low-level sporadic exchange of heavy machine gun and small arms fire between the Syrian armed forces and armed groups. In recent months, firing occurred particularly from the area around United Nations position 17 towards Bayt Jinn and from the general area of Hadar towards Jubbata al-Khashab. From 20 to 22 May, UNDOF observed a notable increase in direct and indirect exchange of gunfire between the Syrian armed forces and non-State armed opposition groups, in addition to several heavy explosions and detonations, in the northern and central parts of the areas of separation and limitation on the Bravo side, particularly in the vicinity of Harfa. During that period, United Nations personnel at temporary observation post 4 observed an explosion in the vicinity of Camp Faouar.

7. Further north, in the border area between Lebanon and the Syrian Arab Republic, on 16 occasions, UNDOF observed and reported transborder movements of unidentified individuals, some of whom were armed with automatic weapons and a light machine gun.

8. The Syrian armed forces maintained their positions along the main road connecting Qunaytirah to Damascus and generally deployed tanks at locations adjacent to the area of separation. UNDOF observed non-State armed opposition

groups using tanks in the area of separation. In addition, the Syrian armed forces maintained a presence at the vacated United Nations positions 25 and 32 and observation post 72. Armed elements remained present at vacated United Nations position 10 and observation post 71.

9. In the central part of the area of separation and limitation, intermittent gunfire occurred, with a high-level exchange of fire occurring in mid-February when non-State armed opposition groups carried out offensives against the Syrian armed forces in Jaba and Masharah.

10. Throughout the reporting period, open sources reported an increase in the intensity of the clashes between the Nusrah Front and the Yarmouk Martyrs Brigade. On 21 March, the Yarmouk Martyrs Brigade and its affiliate the Muthanna Movement reportedly launched an offensive against the Nusrah Front and non-State armed opposition groups in the south-west part of the area of limitation seizing several towns and villages. These gains were reportedly reversed on 3 April when the Nusrah Front and the Free Syrian Army launched a counteroffensive. Until April, the Yarmouk Martyrs Brigade continued to conduct military training close to vacated United Nations outpost 80A. Of particular note, on 2 March, United Nations personnel at position 80 and observation post 53 went into shelter as a result of a heavy explosion in close proximity to the United Nations locations. A vehicle-borne improvised explosive device detonated at a checkpoint manned by armed elements on the outskirts of Aishah village in the area of separation, resulting in the reported deaths of 18 people. This was the second asymmetric type of attack observed by UNDOF in the area of separation since 30 November 2015, when another such attack occurred in Qahtaniyah close to United Nations observation post 51.

11. UNDOF protested against all violations to the Disengagement of Forces Agreement by both parties, including the presence of unauthorized equipment in the area of separation and firing into the area of separation. The Force Commander reminded the parties of their obligation to abide by the terms of the Agreement and to ensure the safety and security of United Nations personnel on the ground.

12. On two occasions, UNDOF observed armed and unarmed persons digging out and removing landmines in close proximity to United Nations positions. On 24 February, United Nations personnel at observation post 53 observed two groups of persons harvesting anti-tank and anti-personnel mines approximately 800 metres from the observation post. On 26 March, United Nations personnel at position 80 also observed two persons digging out mines approximately 800 metres from that position.

13. UNDOF observed five locations where tents and other structures had been set up for internally displaced persons in the area of separation and in proximity to the area. Approximately 70 tents were observed north-west of Aishah village, straddling the ceasefire line close to United Nations position 80. UNDOF observed water tanks and limited infrastructure in the vicinity of the tents and also regularly observed small groups of civilians in this camp. In another tented camp located in an area along the ceasefire line close to the village of Burayqah, approximately 155 tents, wooden structures and containers were observed. There were small numbers of civilians observed intermittently in the camp. UNDOF observed some 130 tents and wooden structures along the access road leading to United Nations observation post 53. A further 15 tents were observed at a location straddling the Bravo line north-west of the village of Ayn al-Qadi. A single tent was observed in the centre of

Kudnah close to the Bravo line. Owing to the closure of the established crossing point at Qunaytirah between the Alpha and Bravo sides since late August 2014, UNDOF is not in a position to facilitate, in cooperation with the International Committee of the Red Cross, humanitarian crossings, including for students, between the two sides.

14. Since its temporary relocation from a number of positions in September 2014 and pending the time when UNDOF returns fully to the area of separation, conditions permitting, UNDOF has continued to maintain visibility, albeit in a modified manner, of the area of separation and the ceasefire line from its positions on Mount Hermon and position 80 in the southern part of the area of separation, and position 22 on the Alpha side. UNDOF operations continued to be supported by United Nations Truce Supervision Organization (UNTSO) military observers in Observer Group Golan, who maintained five fixed and four temporary observation posts on the Alpha side. The focus of the activities of Observer Group Golan was on around-the-clock static observation and situational analysis. Through Observer Group Golan, UNDOF continued to carry out fortnightly inspections of equipment and force levels in the area of limitation on the Alpha side. Liaison officers from the Alpha side accompanied the inspection teams. Inspections and mobile operations in the area of limitation on the Bravo side remained suspended because of the security situation. As in the past, the Force faced restrictions on its freedom of movement, and its inspection teams were denied access to some positions on the Alpha side. The arrangements put in place by the Israel Defense Forces to reduce the delays in facilitating United Nations personnel crossing through the technical fence to observation posts 54 and 73 and position 80 eased the challenges experienced by United Nations personnel.

15. During the reporting period, United Nations personnel observed 155 mm artillery weapons on a number of occasions on the Alpha side within 10 kilometres of the ceasefire line, in positions and on flatbed trucks. Throughout February to April, there was a significant increase in missile carriers in the area of limitation. On 3 March, UNDOF personnel observed 9 M270 multiple-launch rocket systems at an Israel Defense Forces training area in the area of limitation on the Alpha side, with the number increasing to 12 on 11 March. In addition, on 14 April UNDOF personnel observed six M109 (155 mm artillery) self-propelled guns at an Israel Defense Forces position within the 10 km zone on the Alpha side.

16. UNDOF, in consultation with the parties, continued to review the situation in the area of separation to assess whether the conditions on the ground permit an incremental return to vacated positions in the area of separation. The ultimate objective of UNDOF is to return fully to the area of separation, conditions permitting. In recent months, UNDOF assessed that, although the situation in the area of separation remained volatile, the security situation in the northern part and most of the central part had improved. In keeping with the intent to return to vacated United Nations positions and Camp Faouar, UNDOF personnel carried out, on 2 and 3 March, 12 April and 2 May, further fact-finding missions to vacated United Nations positions 10, 16, 25, 31, 32 and observation posts 71 and 72 in the northern part of the area of separation and to Camp Faouar in the area of limitation on the Bravo side. There were no security incidents along the routes taken by UNDOF personnel to these United Nations facilities or at the United Nations facilities visited. UNDOF personnel found the security situation calm. However, in late May open sources reported clashes between the Syrian armed forces and

non-State armed opposition groups in the vicinity of Camp Faouar and supply route between Damascus and Camp Faouar. UNDOF personnel also found that, while the United Nations positions had sustained significant damage and showed signs of looting, some structures at the positions remained intact. A return to the positions would necessitate a significant amount of repairs and reconstruction.

17. In the light of the findings from the assessments by UNDOF, the Force is continuing its planning, with a view to returning incrementally to vacated United Nations facilities on the Bravo side, based on conditions on the ground. As an initial step, UNDOF is looking to return in a limited way to Camp Faouar, from which the Force would be able to carry out some observation and patrolling activities in the area of separation. Necessary construction and rehabilitation work at Camp Faouar is planned to start in June 2016. The limited return to Camp Faouar would involve the deployment of some 100 troops, associated force capabilities, including observation and force protection, and a limited civilian staff capacity. The Secretariat and UNDOF are working on the details, including the required capabilities, of that return. While the security situation in the northern part of the areas of separation and limitation on the Bravo side has been assessed by UNDOF as conducive to a return to Camp Faouar, the support of the parties is required to facilitate enhanced mandated activities and functions of UNDOF. The establishment by the parties of temporary crossing procedures when and if needed for UNDOF personnel between the Alpha and Bravo sides remains critical. The agreement of the parties to the Force's use of technology, including technological enablers to enhance observation and monitoring of the area of separation and the ceasefire line and capabilities to enhance force protection, is essential. It is also important that UNDOF possess the appropriate Force capabilities to increase its operations on the Bravo side.

18. UNDOF continued to resupply its positions on Mount Hermon from Damascus. UNDOF convoys between Damascus and the Mount Hermon positions are conducted almost daily and with an UNDOF security escort, accompanied by a liaison officer from the office of the Senior Syrian Arab Delegate. UNDOF continued to carry out contingency planning for the reinforcement and evacuation of United Nations positions and observation posts and to update its contingency planning for the relocation and evacuation of United Nations personnel on both the Alpha and Bravo sides, as well as in Damascus. UNDOF, through its Force Reserve Company, conducted regular rehearsals, exercises and training for all identified contingencies. UNDOF and Observer Group Golan continued regular evacuation and reinforcement exercises and contingency planning.

19. UNDOF continued its efforts to strengthen its positions and presence in the Mount Hermon area. The infrastructure works and groundworks at positions 12 and 12A continued, with improvements to force protection measures, power supply, communications and real-life support. Enhancements at United Nations position 80, including additional force protection measures, continued.

20. The implementation of risk mitigation measures, including force protection measures recommended in the military capability study of UNDOF, continued at observation posts, positions and the operational base at Camp Ziouani. The Secretariat has made progress in the generation of the appropriate capabilities, including additional medical facilities and explosive ordnance disposal teams recommended in the study to support the UNDOF positions on Mount Hermon and

position 80, as well as additional protected mobility for Mount Hermon positions. Additional force protection measures, including defensive positions and newly constructed force protection barriers, have been completed at United Nations positions 12A and 22. The UNDOF main headquarters at Yafour Hotel has been further upgraded in accordance with the risk mitigation measures recommended in the United Nations security risk assessment.

21. As at 8 May 2016, UNDOF comprised 786 troops, including 23 women. Troops are currently deployed from Bhutan (2), the Czech Republic (3), Fiji (293), India (191), Ireland (138), Nepal (157) and the Netherlands (2). In addition, 70 military observers from UNTSO, including 2 female observers, assisted the Force in carrying out its tasks.

III. Financial aspects

22. By its resolution 69/301, the General Assembly appropriated the amount of \$51.7 million for the maintenance of UNDOF for the period from 1 July 2015 to 30 June 2016.

23. As at 18 May 2016, unpaid assessed contributions to the Special Account for UNDOF amounted to \$17.7 million. The total outstanding assessed contributions for all peacekeeping operations as at that date amounted to \$2,233.8 million.

24. Reimbursement of troop costs has been made for the period up to 31 January 2016, while reimbursement of the costs of contingent-owned equipment has been made for the period up to 31 December 2015, in accordance with the quarterly payment schedule.

IV. Implementation of Security Council resolution 338 (1973)

25. The Security Council, when deciding in its resolution 2257 (2015) to renew the mandate of UNDOF for a further period of six months, until 30 June 2016, called upon the parties concerned to immediately implement its resolution 338 (1973) and requested the Secretary-General to submit, at the end of the period, a report on developments in the situation and the measures taken to implement that resolution. The search for a peaceful settlement in the Middle East, in particular the efforts made at various levels to implement resolution 338 (1973), was dealt with in my report on the situation in the Middle East (A/70/353), submitted pursuant to General Assembly resolutions 69/24 on Jerusalem and 69/25 on the Syrian Golan.

26. Since the discontinuation of indirect peace talks in December 2008, there have been no negotiations between the parties. The Syrian conflict is further reducing the prospects for their resumption and for progress towards peace between Israel and the Syrian Arab Republic. I look forward to a peaceful resolution of the conflict in the Syrian Arab Republic and the resumption of efforts towards a comprehensive, just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973) and other relevant resolutions.

V. Observations

27. I am gravely concerned about the violations of the Disengagement of Forces Agreement. The continued exchange of gunfire between the Syrian armed forces and non-State armed opposition groups, and the continued fighting between different armed groups, including the listed terrorist group Nusrah Front, in the southern part of the areas of separation and limitation on the Bravo side jeopardize the long-held ceasefire between Israel and the Syrian Arab Republic. The mandate of UNDOF remains an important element in ensuring the stability of the region. For its part, the United Nations will spare no efforts in ensuring that the long-held ceasefire between Israel and the Syrian Arab Republic continues to hold.
28. A statement of the Prime Minister of Israel, Benjamin Netanyahu, on 17 April, when he convened a cabinet meeting in the Golan, that Israel would never leave the Golan adds further to the potential for escalated tensions. On 18 April, I reminded Israel of its obligation to implement pertinent resolutions on the Golan. On 26 April, the Security Council members unanimously deplored the convening of the Israeli cabinet in the Golan and public statements calling upon the international community to recognize the annexation of the Golan by Israel, noting the continuing legal validity of resolution 497 (1981).
29. I am deeply concerned by the continuing deterioration of the security situation in the Syrian Arab Republic, its impact on the Syrian population and its potential implications for the stability of the region. These developments have continued to affect significantly the UNDOF area of operation. The presence of the Syrian armed forces and unauthorized military equipment in the area of separation are violations of the Disengagement of Forces Agreement. The increased use of heavy weapons by the Syrian armed forces and armed groups, including listed terrorist groups, in the continuing Syrian conflict is disturbing. I note that, while the reduction in the levels of firing continues in the northern part of the UNDOF area of operation, listed terrorist groups and other armed groups continue to maintain control over significant sections of the areas of separation and limitation of the UNDOF area of operation. The established crossing between the Alpha and Bravo sides remains closed.
30. There should be no military forces in the area of separation other than those of UNDOF. I call upon all parties to the Syrian conflict to cease military actions throughout the country, including in the UNDOF area of operation, and to remove all military equipment and all armed personnel from the area of separation.
31. The Israel Defense Forces should cease to deploy unauthorized weapons and equipment in the area of limitation on the Alpha side. In addition, the firing of gunshots across the ceasefire line by Israel Defense Forces soldiers has the potential to escalate tensions between the two sides.
32. I remain concerned about the several incidents that have jeopardized United Nations personnel and facilities. Any hostile act against United Nations personnel, including threatening their physical safety, restricting their movement and direct and indirect firing at United Nations personnel and facilities by anyone, is unacceptable. I reiterate that all military activities in the area of separation conducted by any actor pose a risk to the ceasefire and to the local civilian population, in addition to the United Nations personnel on the ground. I call upon all parties to take all measures necessary to protect civilians.

33. As UNDOF moves forward with its planning to commence a limited return to Camp Faouar and to intensify its operations in the area of separation, it becomes critical that the safety and security of United Nations personnel be assured. I call upon the Government of the Syrian Arab Republic to fulfil its primary responsibility for the safety and security of United Nations personnel in the areas of separation and limitation on the Bravo side. I also call upon countries with influence to strongly and urgently convey to the non-State armed opposition groups in the UNDOF area of operation the need to cease any actions in violation of the Disengagement of Forces Agreement that jeopardize the safety and security of United Nations personnel and to accord United Nations personnel the freedom to carry out their mandate safely and securely. The safety and security of United Nations personnel must be ensured.

34. The continued presence of UNDOF in the area remains essential. Both Israel and the Syrian Arab Republic have stated their continued commitment to the Disengagement of Forces Agreement and support for the presence of UNDOF in calling for a return to vacated positions. The full return of UNDOF to the area of separation remains a priority for the mission. In the planning for the return, the safety and security of United Nations personnel is the primary consideration in determining the exact modalities. I note the positive developments in relation to the strategic intent of UNDOF to return incrementally to Camp Faouar and gradually increase its operations in the area of separation, conditions permitting. The Secretariat supports UNDOF in this endeavour. I call upon both parties to assist UNDOF in order for the mission to move the planning forward. As a matter of priority, established efficient temporary procedures for the crossing of UNDOF personnel between the Alpha and Bravo sides in the absence of the crossing at Qunaytirah and technology and equipment to enhance the mission's observation of the area of separation and the ceasefire line and to improve force protection are necessary. It remains critical that, at the same time, the parties continue to support the enhancement of the liaison function of UNDOF.

35. It is equally critical that the Security Council continue to bring its influence to bear on the parties concerned to ensure that UNDOF is accorded the ability to operate in a safe and secure manner and freely. It is essential that UNDOF continue to have at its disposal all means and resources necessary to allow it to return fully to the area of separation, as the situation permits.

36. The confidence and commitment of troop-contributing countries in UNDOF remain a key factor for the mission's ability to continue to carry out its mandate. I continue to count on the support of troop-contributing countries as UNDOF continues with its planning, including in relation to the augmentation of required capabilities, in preparation for the planned limited return to vacated positions in the area of separation. I am grateful to the Governments of Bhutan, the Czech Republic, Fiji, India, Ireland, Nepal and the Netherlands for their contributions, their commitment and their resolve. I am also thankful to the Member States contributing military observers to UNTSO.

37. Under the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 31 December 2016. The Government of the Syrian Arab Republic has given its

assent to the proposed extension. The Government of Israel has also expressed its agreement.

38. In conclusion, I wish to express my appreciation to the Head of Mission and Force Commander, Major General Jai Shanker Menon, and the military and civilian personnel serving under his leadership, who continue to perform the important tasks assigned to them by the Security Council with efficiency and commitment under challenging circumstances. I have full confidence that UNDOF will continue to use its best efforts to carry out its mission.



**Security Council**

Distr.: General
13 June 2016
English
Original: Arabic

Identical letters dated 8 June 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, and further to our previous letters regarding the continued attacks against the sovereignty and territorial integrity of the Syrian Arab Republic by the Turkish regime, including its continued support of armed terrorist groups that are committing barbaric acts of terrorism in the territory of the Syrian Arab Republic, I should like to convey to you the following information:

On 1 May 2016, a group of Turkish soldiers, accompanied by construction vehicles and bulldozers, went to a hill located inside Syrian territory next to the villages of Qah, Atimah and Aqrabat, in the countryside of Idlib governorate. They built fortifications and emplacements on the hill, and had terrorist groups affiliated with the so-called Free Army encircle the hill. On 19 May 2016, Turkish authorities had several construction vehicles brought into Syrian territory. Those vehicles were used to dig trenches measuring approximately 150 metres heading west, in the north-western part of the city of Qamishli, Hasakah governorate. The Turkish authorities have also opened a clandestine border crossing as an alternative to the Bab al-Salam crossing. That clandestine crossing originates in Turkish territory and enters Syrian territory near the village of Hawar Killis, some 17 kilometres north-east of I'zaz, and is used to deliver heavy weapons (tanks and tracked vehicles) to armed terrorist groups, including the Sultan Murad Brigade, Ahrar al-Sham, the Nusrah Front and Faylaq al-Sham.

In providing you with this serious information, the Government of the Syrian Arab Republic wishes to reaffirm that the practices and crimes of the Turkish regime constitute a flagrant violation of the principles of international law, the provisions of the Charter of the United Nations and the principles governing good-neighbourly and friendly relations between States Members of the United Nations. They also contravene Security Council resolutions concerning counter-terrorism, including resolutions 1267 (1999), 1373 (2001), 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015), which reaffirm that States Members of the United Nations must not provide any form of support to terrorist groups or the members thereof.



The Government of the Syrian Arab Republic once again calls on the Security Council to fulfil its responsibilities and compel the Turkish regime to desist immediately from its barbaric practices, which threaten security and stability in the region and throughout the world, and to hold that regime accountable for its practice of supporting terrorism. The Council should also call on the Turkish regime to close its borders to armed terrorist groups and to stop arming and funding those groups. The regime should also put an end to its flagrant attacks against civilians in the city of Aleppo which, over the past two weeks, have caused the death of more than 250 people, mostly children and the elderly and other innocent people.

I should be grateful if the present letter could be issued as a document of the Security Council.

(Signed) **Bashar Ja'afari**
Ambassador
Permanent Representative

**Security Council**

Distr.: General
9 June 2016

Original: English

Letter dated 8 June 2016 from the Permanent Representative of Israel to the United Nations addressed to the President of the Security Council

I am writing to inform you of a barbaric terror attack committed against the people of Israel. Tonight, in Saron Market, a crowded shopping centre in the heart of Tel Aviv, as Israeli families were out enjoying a summer evening, two Palestinians from the Hebron area launched a shooting spree. As of the time of the present letter, four innocent people were dead and others were clinging to life. The terrorists chose a popular restaurant, took their seats among unsuspecting people, and then stood up and proceeded to open fire indiscriminately, until they were stopped and captured by Israeli security forces.

The carnage on the streets of Tel Aviv tonight was no random act of terror. It was a premeditated and coordinated attack, calculated to cause the greatest damage possible to as many victims as possible. Today's attack was a clear escalation and demonstrates that, as the international community stands by in silence, the attacks continue and grow in severity. Since the current wave of attacks began, 38 people have been killed. How many more will lose their lives before the Security Council clearly condemns those attacks in no uncertain terms?

The Secretary-General said in his statement tonight, condemning the attack, that there was no justification for terrorism or for the glorification of those who committed such heinous acts, and he called upon the Palestinian leadership to live up to its responsibility to stand firmly against violence and the incitement that fuelled it.

As the Secretary-General and his envoy condemn such acts of terror, we expect this Council not to remain silent.

This Council must treat all acts of terror in the same manner, regardless of their motivation, whenever or by whomsoever they are committed. I reiterate my call for the Council to unequivocally condemn this murderous Palestinian attack and to speak out against the alarming trend of institutionalized incitement and glorification of terror, which leads to horrific incidents such as this.

I should be grateful if you would have the present letter distributed as a document of the Security Council.

(Signed) Danny Danon
Ambassador
Permanent Representative

16-09526 (E) 130616



Please recycle



**Security Council**

Distr.: General
9 June 2016

Original: English

Letter dated 7 June 2016 from the Permanent Representative of Belgium to the United Nations addressed to the President of the Security Council

On behalf of my Government, I am writing the present letter to report to the Security Council that, in accordance with Article 51 of the Charter of the United Nations, the Kingdom of Belgium is taking necessary and proportionate measures against the terrorist organization "Islamic State in Iraq and the Levant" (ISIL, also known as Da'esh) in Syria in the exercise of the right of collective self-defence, in response to the request from the Government of Iraq.

The Security Council determined in its resolution 2249 (2015) of 20 November 2015 that ISIL constituted a global and unprecedented threat to international peace and security and it called upon Member States to eradicate the safe haven that ISIL had established over significant parts of Iraq and Syria. In that respect, the Security Council noted the letters dated 25 June 2014 (S/2014/440) and 20 September 2014 (S/2014/691) from the Government of Iraq stating that ISIL had established a safe haven outside of the borders of Iraq that was a direct threat to the security of the Iraqi people and territory.

ISIL has occupied a certain part of Syrian territory over which the Government of the Syrian Arab Republic does not, at this time, exercise effective control. In the light of this exceptional situation, States that have been subjected to armed attack by ISIL originating in that part of the Syrian territory are therefore justified under Article 51 of the Charter to take necessary measures of self-defence. Exercising the right of collective self-defence, Belgium will support the military measures of those States that have been subjected to attacks by ISIL. Those measures are directed against the so-called "Islamic State in Iraq and the Levant" and not against the Syrian Arab Republic.

I request that the present letter be circulated as a document of the Security Council.

(Signed) **Bénédicte Frankinet**
Ambassador
Permanent Representative

16-09525 (E) 100616



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Security Council

Distr.: General
8 June 2016

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United Kingdom of Great Britain and Northern Ireland on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 20 March 2015 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations stating that Ms. Catherine Carr has been appointed alternate representative of the United Kingdom on the Security Council.

In the opinion of the Secretary-General, that letter constitutes adequate provisional credentials.





**General Assembly
Security Council**

Distr.: General
10 June 2016

Original: English

**General Assembly
Seventieth session
Agenda item 35**

**Protracted conflicts in the GUAM area and their
implications for international peace, security
and development**

**Security Council
Seventy-first year**

**Identical letters dated 9 June 2016 from the Permanent
Representative of Georgia to the United Nations addressed to the
Secretary-General and the President of the Security Council**

I have the honour to transmit herewith the first quarterly report (January-March 2016) of the Ministry of Foreign Affairs of Georgia on the human rights situation in the occupied regions of Georgia (see annex).*

I should be grateful if you would have the present letter and its annex issued as a document of the General Assembly, under agenda item 35, and of the Security Council.

(Signed) Kaha Imnadze
Permanent Representative

* The annex is being circulated in the language of submission only.



**Annex to the identical letters dated 9 June 2016 from the
Permanent Representative of Georgia to the United Nations
addressed to the Secretary-General and the President of the
Security Council**



**First Quarterly Report (January-March 2016) of the Ministry of
Foreign Affairs of Georgia on the Human Rights Situation in the
Occupied Regions of Georgia**

Contents

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I. Introduction

Aims of the Report and Methodology Applied

1. In January 2015 the Ministry of Foreign Affairs of Georgia started preparation of quarterly reports aiming at assessing the human rights situation in the occupied regions of Georgia. The Ministry of Foreign Affairs of Georgia prepared four such reports in 2015. This is the first quarterly report of the Ministry of Foreign Affairs of Georgia for the year 2016 covering the period of January-March 2016. The Ministry of Foreign Affairs of Georgia will further continue the preparation of such reports on a quarterly basis. This reporting exercise aims to contribute to the provision of regular and updated information to the international community, to states as well as to international inter-governmental and non-governmental organizations, on the human rights situation in the occupied regions of Georgia.
2. As for the applied methodology, this reporting exercise consolidates and assesses existing information from various open sources, national and international, on violations of human rights in the occupied regions of Georgia. Due to limitations on its length, the report does not aim to collect/contain information on all cases of violations of human rights in the occupied regions of Georgia; it aims to consolidate and assess only some of the most known examples of violations. The methodology applied does not provide for the conduct of fact-finding visits to the occupied regions of Georgia, nor to the conduct of interviews. Therefore the methodology applied does not enable this reporting exercise to collect and produce new data on the human rights situation in the occupied regions of Georgia.

Responsibility of the Occupying Power for Human Rights Violations

3. The territories of two regions of Georgia – Abkhazia, Georgia and the Tskhinvali Region, Georgia are occupied by the Russian Federation. The occupation of regions of Georgia by the Russian Federation has been recognized by the international community. The Russian Federation as the occupying power, exercises effective control over Abkhazia, Georgia and the Tskhinvali Region, Georgia. These two regions still remaining under foreign military occupation, constitute above all dangerous “black holes” in verifying human rights violations and holding the violators accountable.
4. Recently the Council of Europe published its 13th Consolidated Report on the Conflict in Georgia describing *inter alia* human rights situation in the occupied territories of Georgia and covering the period between October 2015 and March 2016. Thus part of the Council of Europe’s report fully covers the reporting period¹ of the present reporting exercise. It should be noted that the delegation of the secretariat of the Council of Europe carried out a fact-finding visit to Georgia on 29 February-1 March 2016, however was not allowed to visit the occupied regions of Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.²

¹ January-March 2016.

² Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 5.

5. It should be emphasized that in the reporting period, namely on 21st January 2016, the European Parliament adopted the Resolution on the EU's priorities for the UNHRC sessions in 2016. According to the adopted resolution, the European Parliament "remains concerned about ... lack of access by monitors to the occupied regions of Abkhazia and the Tskhinvali region/South Ossetia where human rights violations remain widespread."³ According to the recently published report, "the ethnic Georgians still living in Abkhazia, ... are often subjected to restrictions on their freedom of movement, restrictions concerning receiving education in their native language, as well as forced passportisation."⁴

Occupation Line and Installation of Barbed Wire Fences

6. The occupation line along the administrative boundary line (ABL) with Abkhazia and the Tskhinvali Region separates Georgia from its two occupied territories. Since January 2013 the Russian occupation forces intensified the process of the installation of razor wire and barbed wire fences and other artificial obstacles along the occupation lines in Abkhazia and the Tskhinvali Region. Currently, the total length of artificial barriers along the occupation line in Tskhinvali Region is nearly 51 km. Razor and barbed wire fences cover a stretch of more than 12 km in the Abkhazian region.

7. According to the Council of Europe, "the "borderisation" process continues to have a divisive impact on communities and restricts freedom of movement across the ABL. It also puts under continued strain the effective enjoyment of basic rights by the ethnic Georgian residents of Gali, who face obstacles in access to livelihood and employment, appropriate medical care and education, as well as when collecting pensions and other social allowances."⁵

8. It should be noted that during the reporting period, namely in March 2016, delegation of the Committee on Migration, Refugees and Displaced Persons of the Parliamentary Assembly of the Council of Europe (PACE) visited the village of Khurvaleti, which is located along the occupation line with Tskhinvali Region and which is divided by razor wire fences. Ms Annette Groth, member of the delegation of the Committee on Migration, Refugees and Displaced Persons of the PACE publicly stated that the situation on the ground is more disturbing than expected.⁶

³ "European Parliament Resolution on the EU's priorities for the UNHRC sessions in 2016", the European Parliament, 21 January 2016, paragraph 61, available at <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0020+0+DOC+XML+V0//EN>>.

⁴ Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at <[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU\(2016\)578001](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001)>.

⁵ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 38.

⁶ *By the Assessment of the PACE members Situation at the Occupation Line is much more Complex than they were Informed*, 21 March 2016, available at <<http://www.interpressnews.ge/ge/konfliktbi/371632-evrosabtkos-asambleis-tsevrebis-shefasebith-saokupacio-khazthan-imaze-rthuli-vithareba-dakhvdath-vidre-informacias-flobdnen.html?ar=A>>.

New so called "Laws"

9. In the reporting period, namely on 1st February 2016, Mr Khajimba signed so called "law on legal status of foreign citizens in Abkhazia"⁷ and "law on entry and exit of Abkhazia"⁸ both "entering into force" on 1st April 2016. One of the leaders of the Sokhumi occupation regime declared that the adopted regulations aim to strengthen "border" and "migration" control due to the large number of "foreign citizens" residing in Abkhazia without control.⁹

10. In fact, so called "law on legal status of foreign citizens in Abkhazia" aims to qualify ethnic Georgians, living in the region of Abkhazia, into a category of "foreign citizens" and to discriminate against them in many ways. More specifically, "foreign citizen" is subject to different types of permits that would restrict enjoyment of human rights. For that purpose, so called "law" prescribes quite detailed and strict regulations. According to so called "law", the following categories of permits shall be issued to "foreign citizens": 1) entry permit; 2) temporary residence permit; 3) residence permit; and 4) work permit. Temporary residence permit can be obtained maximum for four years. Temporary residence is a necessary prerequisite for getting residence permit. There is a long list of requirements for different categories of foreigners for obtaining temporary residence. For example, in order to obtain temporary residence permit, an applicant will be required to submit medical certificate attesting absence of drug addiction, infectious diseases and HIV infection. Residence permit can be obtained maximum for five years. Two categories of foreigners are entitled to residence permit. The first category comprises foreign citizens married to "Abkhaz citizens". However, this category of foreigners at first must apply for temporary residence and only after an expiry of one year of temporary residence they can apply for residence permit. The second category comprises people without citizenship, born in the region of Abkhazia when it was part of the Soviet Union and permanently living there for at least ten years since April 1999. Before applying for residence permit, the second category of foreigners should live in the occupied Abkhazia for at least one year on the basis of temporary residence. All four categories of permits — entry permit, temporary residence permit, residence permit and work permit, will not be issued to an applicant which 1) is or was "against the independence and the sovereignty of Abkhazia"; 2) "poses threat to security of Abkhazia"; 3) participated in war against Abkhazia in 1992-1993 or assisted to those who participated in it. There are some

⁷ Raul Khajimba signed Law on "legal status of foreigners in Abkhazia", "Apsnypress", 1 February 2016, available at <<http://apsnypress.info/news/raul-khadzhimba-podpisal-zakon-o-pravovom-polozhenii-inostrannykh-grazhdan-v-respublike-abkhaziya/>>.

⁸ President signed Law on "on entry and exit of Abkhazia", "Apsnypress", 1 February 2016, available at <<http://apsnypress.info/news/prezident-podpisal-zakon-o-poryadke-vyezda-iz-respubliki-abkhaziya-i-vezda-v-respubliku-abkhaziya/>>.

⁹ Nationals of States recognized Abkhazia can enter it without visa from 1 April, "Tass", 11 February, 2016, available at <<http://tass.ru/mezhdunarodnaya-panorama/2659087>>; Abkhazian visa: for and against, "Sputnik-Abkhazia", 19 February, available at <<http://sputnik-abkhazia.ru/analytics/20160219/1017260879.html>>; Abkhazia imposes visa Regime for Countries refusing to recognize its independence, 15 February 2016, available at <http://www.messenger.com.ge/issues/3564_february_15_2016/3564_tatia.html>; Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 8 February and 13 February 2016, p. 15.

other restrictions.¹⁰ Therefore, it can be concluded that ethnic Georgians qualified into the category of “foreign citizens” will be subject to discrimination in terms of enjoyment of human rights such as freedom of movement, the right to property, labour rights etc. It should be underlined that the restriction on applying for residence permit concerns people without citizenship. Therefore, ethnic Georgians holding the Georgian citizenship will not be even able to apply for residence permits. It should be emphasized here that the restriction clause on all four categories of permits is very broad and vague since it contains such wording as “against independence” or “assisted to those who participated in war”, etc.

11. According to the Council of Europe, “there appears to be considerable lack of clarity regarding the rights and protection afforded by the new *de facto* law to the holders of the new documents. It is unclear, for example, if and how the holders of residence permits, including the ethnic Georgians who opt for them, can buy and/or register property and land ... Pending further clarifications, however, the concerned population is likely to remain in a state of limbo and vulnerability.”¹¹ One of the leaders of the Sokhumi occupation regime admitted that “law indeed does not guarantee property rights for holders of residence permits”.¹²

12. It has been stated by the representatives of the Sokhumi occupation regime that most ethnic Georgians living in Abkhazia, predominantly in Gali district, hold Georgian citizenship that qualifies them into the category of foreigners under the so called “law on legal status of foreign citizens in Abkhazia” and therefore puts limitation on their human rights including on the right to property.¹³ In the reporting period, the process of population census in Gali district was underway, the process that is linked to the issuance of so called new “residence permits” to Gali residents which will entail limitations on their right to property.¹⁴

13. Similar document was adopted by the Tskhinvali occupation regime, namely so called “law on legal status of foreigners in the Republic of South Ossetia”. According to the Council of Europe, “new regulations entered into force on 1 March raising serious questions on the already peripheral status and rights of the ethnic Georgian population of Akhalkgori. Some major concerns are related to the potential negative impact for those considered as foreigners on property rights, freedom of movement, labour and voting rights while it remains unclear how its provisions will impact the right to education.”¹⁵

¹⁰ *Foreigners with HIV Infection and Drug Addictions were banned to live in Abkhazia*, “Apsny”, 2 February 2016, available at <http://apsny.ru/news/?ID=20187&PAGEN_1=20>.

¹¹ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 46.

¹² Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 46.

¹³ *Breakaway Abkhaz Government to Introduce New Passports*, 8 February 2016, available at <<http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>>.

¹⁴ *Hundreds of travelers from Gali to Zugdidi cannot go back*, “Livepress”, 18 February 2016, available at <<http://www.livepress.ge/ap/tag/article/1-news/13742-galidanzugdidschichamosulia-sobithmgzavriukanverbrundebaideo.html>>; *Breakaway Abkhaz Government to Introduce New Passports*, 8 February 2016, available at <<http://georgiatoday.ge/news/2900/Breakaway-Abkhaz-Government-to-Introduce-New-Passports>>.

¹⁵ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 61.

14. By the adoption of so called "law on entry and exit of Abkhazia", the decision has been made to introduce visas for states a) not recognizing so called "independence of Abkhazia" and b) not having a "bilateral agreement" of visa free travel.¹⁶ According to so called "law on entry and exit of Abkhazia", only citizens of the Russian Federation, "Republic of South Ossetia", Republic of Nicaragua and Tuvalu can enter Abkhazia without visas. Under adopted regulations entering into force on 1st April 2016, any person can exit Abkhazia, however only so called "citizens of Abkhazia" can enter Abkhazia without additional formalities. In addition, a foreigner holding a residence permit can enter occupied Abkhazia without any additional document and he/she does not require visa. It should be noted that a foreign citizen or a person without citizenship can be expelled from the territory of occupied Abkhazia if that person poses a threat to defense and security or to public order. It should be emphasized that so called "law on entry and exit of Abkhazia" when operational, will create additional obstacles to representatives of international organizations leading to further isolation of the region.

15. Proceedings from the above it can be concluded that adoption of so called "laws" in many ways target the ethnic Georgian population living in the occupied territories. In occupied Abkhazia ethnic Georgians will be labelled "foreign citizens" and four types of permits will restrict their daily life activities. Ethnic Georgians holding Georgian citizens will be deprived possibility to obtain residence permits and restriction clause on all four categories of permits might be used to persecute ethnic Georgian families. Restrictions of the freedom of movement of ethnic Georgians living in occupied Abkhazia will become even stringent since ethnic Georgians not holding so called "Abkhaz citizenship" might be refused to cross the occupation line. These regulations will further deteriorate the existing grave situation: new restrictions will be imposed on the freedom of movement, the right to property and labour rights. The Ministry of Foreign Affairs of Georgia expresses its serious concern on the adoption of new discriminatory regulations for ethnic Georgians living in the occupied regions of Georgia. There is threat that this so called "laws" can become ground for another wave of ethnic cleansing.

New Wave of so called "Passportisation"

16. The adoption of the above-mentioned so called "laws" by the occupation regimes of Sokhumi and Tskhinvali is directly linked to the new illegal wave of "passportization" in the occupied territories.

17. As for the Abkhazian region, during the reporting period a process of so called "passportisation" was underway in the occupied Abkhazia. The above process implies procession of 300 thousand new documents — 250 thousand so called "passports" and 50 thousand so called "residence permits". All 300 000 documents were processed in the Russian Federation by "Goznak"¹⁷ and their distribution is planned by May 2016. It has been stated that those residents of Abkhazia that are not citizens of Georgia, will be eligible to obtain so called "Abkhazian passports". It

¹⁶ *Abkhazia Introduces Visas for all States not recognizing its Independence*, 12 February 2016, available at <<http://apsny.ru/news/?ID=20352&PAGE=1>>.

¹⁷ *The Issue of Passportization is almost Over*, "Apsnypress", 5 February 2016, available at <<http://www.apsnypress.info/news/adzynba-vopros-pasportizatsii-prakticheski-zavershen/>>.

should be recalled here that in 2014, so called "parliament" of the Sokhumi occupation regime adopted so called "decree" by which it annulled so called "Abkhaz passports" of around 25 000 ethnic Georgians living in Abkhazia, predominantly in Gali district.¹⁸ The Sokhumi occupation regime "continued suspending the issuance of "passports" to residents of the Gali district, citing the need to investigate improper passport issuances to residents who possess Georgian citizenship."¹⁹ It has been argued that "UNHCR reported a widening documentation gap, noting that fewer Gali residents held valid documents due to expiration and nonissuance of documentation recognized" by the Sokhumi occupation regime.²⁰ The purpose of so called "passportisation" is to classify the population into categories of "citizens of Abkhazia" and "foreign citizens". Nowadays it has become evident that "Abkhaz passports" of 25 000 ethnic Georgians were cancelled in order to give to ethnic Georgians the status of "foreign citizens" that implies lots of restrictions on their human rights.

18. As for occupied Tskhinvali region, it should be noted that in June 2015, the Tskhinvali occupation regime began accepting applications for so called "South Ossetian passports," which required individuals renounce their Georgian citizenship.²¹ Ethnic Georgians in the occupied Tskhinvali Region were forced to accept so called "South Ossetian passports" and "South Ossetian Citizenship".²²

19. Undoubtedly, this so called "passportisation" in the occupied Abkhazia and the Tskhinvali region may result in a situation where individuals, not eligible to so called new "passports" or so called new "residence permits", face more complications regarding the right to property and the freedom of movement across the occupation line. Ethnic Georgians residing in the occupied region of Abkhazia and Tskhinvali have all grounds to be concerned about such perspective; status of a "foreigner" can at least restrict their right to property and deteriorate prospects of movement across the occupation line and, in the worst case, become ground for another wave of ethnic cleansing.

II. Freedom from Torture and Ill-treatment

20. The practice of torture and ill-treatment in the occupied regions of Georgia remains an issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015 states that: "Individuals detained in Russian-occupied South Ossetia who later returned to undisputed Georgian territory reported incidents of mistreatment and abuse in

¹⁸ *The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gali region*, Conciliation Resources, July 2015, pages 4 and 5. Available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gali_43_webEn.pdf>.

¹⁹ *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, page 27.

²⁰ *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, page 27.

²¹ *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, page 27.

²² *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, page 32.

Ossetian detention centers. Mistreatment included inflicting cigarette burns and beatings.²³

21. According to the information disseminated on 12th January 2016, detainees in pre-trial detention centre of Sokhumi staged a protest against ill-treatment. According to the source, detention conditions are poor in pre-trial detention centre of Sokhumi and human rights of detainees are violated by the administration of the establishment. Moreover, among detainees there are categories of people that require immediate medical assistance and psychiatric treatment however their special needs are neglected. According to the same source, employees of the establishment offend detainees and aggravate the existing tense situation.²⁴

22. It is commendable that on 10th March 2016, 14 Georgian citizens illegally imprisoned in the Abkhazian region (8 people) and the Tskhinvali Region (6 people), were released and exchanged for 4 people from Tskhinvali region which were convicted on the territory controlled by the central authorities of Georgia. However, it should be noted that on 18th March 2016, one of the former prisoners released gave interview and spoke in detail about several years spent in the captivity in the Abkhazian region. According to him, he was subject to regular and extreme torture and ill-treatment while imprisoned. He also spoke about torture and ill-treatment of other prisoners.²⁵

23. On 20th March 2016, in the village of Meore Otobia, Gali district, the Russian FSB officers detained a woman with mental disorder. The woman had undergone medical treatment in psychiatric hospital before the detention took place. The villagers submitted certificate attesting detainee's mental disorder, however the Russian FSB officers refused to release her from the military base detention. The whole village has a feeling of the protest against her detention.²⁶ It should be emphasized that detention of a person with mental disorders in a detention centre without appropriate medical treatment of health problems of a detainee can easily amount to ill-treatment.²⁷

III. Arbitrary Detention

24. The Russian FSB officers regularly carry out arbitrary detention for so called "illegal border crossing" along the occupation lines with Abkhazia and Tskhinvali regions. In most cases detention is followed by fines and later release, however

²³ *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, page 6.

²⁴ *Detainees in Pre-Trial Detention Center of Sokhumi staged a Protest*. "Sputnik-Abkhazia", 12 January 2016. Available at <<http://sputnik-abkhazia.ru/Abkhazia/20160112/1016866357.html>>.

²⁵ *Our Fingers were connected to electric Supply: Interview with Released Prisoners from Abkhazian Prison*. "Ambebi", 18 March 2016. Available at <<http://gza.ambebi.ge/life/sazogadoeba/3166-qthithze-dens-gvierthebdnen-da-haershi-magdeba-skamianadq-interviu-afkhazethis-cikhidan-gathavisuflebul-patimrebthan.html>>.

²⁶ *Exclusive: Russian Occupants Detained a Woman with Mental Disorder in the Village of Meore Otobia*, "Timer", 20 March 2016, available at <<http://www.timer.ge/rusma-okupantebma-sopel-meore-otobaiashi-psiqiurad-avadmkhopi-qali-daakaves/>>.

²⁷ For example, *Factsheet: Detention and mental health*, the European Court of Human Rights, 2016, available at <http://www.echr.coe.int/Documents/FS_Detention_mental_health_ENG.pdf>.

repeated "violations" may result in "criminal proceedings".²⁸ Detention period can last several days or several months, in some cases several years.

25. On 4th and 5th January 2016, a resident of the village of Bershueti, Gori district and a resident of Tbilisi were detained by the Russian FSB officers for so called "illegal border crossing".²⁹ On 4th January 2016, two residents of the village of Bershueti, Gori district were detained by eight Russian FSB officers when they were entering the local church for religious ritual. One of the detainees managed to escape the Russian FSB officers and one detainee was transported by the Russian FSB officers to the direction of Tskhinvali. According to the representative of Gori municipality, the church is located on the territory controlled by the central government of Georgia and detainees therefore had not crossed the occupation line; the church is a venue for various religious events for residents of the village of Bershueti.³⁰ It should be noted that the detainee, which was transported to Tskhinvali, was released only after one week of detention and as a result of payment of fine.³¹

26. On 18th January 2016, a resident of the village of Kere, located nearby of the occupation line with Tskhinvali region was detained by the Russian FSB officers for so called "illegal border crossing". According to residents of the village, the detained person went for hunting in the surroundings of the village, but he did not cross the occupation line.³²

27. On 28th January 2016, a resident of the village of Zerti, Gori district was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskhinvali region.³³

28. On 8th and 9th March 2016, a resident of the village of Zardiantkari, Gori district and a resident of the village of Kirbali, Gori district were detained by the Russian FSB officers for so called "illegal border crossing".³⁴

²⁸ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 60.

²⁹ *On New Year Holiday Border Guards datelined two Violators of Border*, "Sputnik-Ossetia", 11 January 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160111/1118068.html>.

³⁰ *So called Border Guards Abducted one Resident from Village of Bershueti*, 4 January 2016, available at <<http://www.interpressnews.ge/ge/konflikttebi/361026-ets-mesazghvreebma-sofel-bershuethidan-erthi-piri-gaitaces.html?ar=A>>.

³¹ *Abducted by Occupants was Released, 13 January 2016*, available at <<http://kvira.ge/%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98%E1%83%A1%E1%83%9B%E1%83%98%E1%83%94%E1%83%A0%E1%83%92%E1%83%90%E1%83%A2%E1%83%90%E1%83%AA%E1%83%94-2/>>.

³² *Militaries Detained a 23 Years old Man near the Village of Kere*, 19 February 2016, available at <<http://kvira.ge/%E1%83%A1%E1%83%9D%E1%83%A4%E1%83%94%E1%83%9A%E1%83%A5%E1%83%94%E1%83%A0%E1%83%94%E1%83%A1%E1%83%97%E1%83%90%E1%83%9C%E1%83%A8%E1%83%94%E1%83%98%E1%83%90%E1%83%A0%E1%83%90%E1%83%A6%E1%83%94%E1%83%91/>>.

³³ *Georgian National Detained in South Ossetia for Border Crossing*, "Sputnik-Ossetia", 28 January 2016, available at <http://sputnik-ossetia.ru/South_Ossetia/20160128/1213087.html>.

³⁴ *Two Citizens of Georgia were detained by so called Border Guards*, 11 March 2016, available at <<http://medianews.ge/ge/etssamkhretosetismesazghvreebmasaqartvelosorimoqalagedaakaves/122545>>.

29. On 23rd March 2016, a resident of the town of Gori was detained by the Russian FSB officers for so called "illegal border crossing" along the occupation line with Tskinali region.³⁵

IV. Freedom of Movement

30. Restrictions on freedom of movement remains issue of concern that has been attested by the various sources made available in the reporting period. For example, recently published report of the Amnesty International states "movement in and out of the breakaway territories Abkhazia and South Ossetia remained restricted".³⁶

31. In the reporting period, decision was made to reduce the number of crossing points along the occupation line with Abkhazia. Namely, in January 2016, Mr Khajimba instructed to reduce the number of the operating crossing points along the occupation line with Abkhazia.³⁷ On 17th March 2016, decision was made to close two from six crossing points along the occupation line with Abkhazia: "Tagiloni" crossing point will be closed completely and "Lekukhona" crossing point will be closed for pedestrians only.³⁸ Closure of two crossing points will mean 20-25 kilometres additional travel for some villagers of Gali district in order to cross the occupation line.³⁹

32. It is impossible to cross "Enguri" crossing point along the Abkhazian occupation line with Georgian passport. If you have a Georgian citizenship, there is a need to have special permit issued by so called "State Security Service of Abkhazia" in order to cross the occupation line.⁴⁰ It should be noted that individuals holding Russian Federation passports or so called "Abkhazian passports" can cross the occupation line along Abkhazia without a special permit.⁴¹

³⁵ So called Border Guards Detained a Citizen of Georgia at the Occupation Line, 24 march 2016, Available at <<http://medianews.ge/ge/saokupatsiosazghvartanetsmesazghveebmasaqartvelosmoqalaqedaakaves/123435>>.

³⁶ Georgia 2015/2016, Amnesty International, available at <<https://www.amnesty.org/EN/COUNTRIES/EUROPE-AND-CENTRAL-ASIA/GEORGIA/REPORT-GEORGIA/>>.

³⁷ De Facto Government amended the Law on VAT, 26 January 2016, available at <<http://www.livepress.ge/ka/akhali-ambebi/article/13449-de-faqto-mthavrobam-dghg-s-shesakheb-kanonshi-cvlilebebi-sheitana.html>>.

³⁸ The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced, "Sputnik-Abkhazia", 17 March 2016, available at <<http://sputnik-abkhazia.ru/Abkhazia/20160317/1017555465.html>>; The Number of Crossing Points along the Georgian-Abkhazian Border will be Reduced, 17 March 2016, available at <<http://www.apsnypress.info/news/na-abkhazo-gruzinskoy-granitse-sokratitsya-kolichestvo-punktov-propuska/>>.

³⁹ Gali residents call on de facto Authorities not to abolish Crossing Points, "Livepress", 18 March 2016, available at <<http://www.livepress.ge/ka/politika/article/14088-galelebimoutsodebende-faqtomthavrobasardaushvasgamshevbi-pungtebisgauqmeba.html>>.

⁴⁰ It is impossible to cross the Enguri checkpoint with Georgian passport, "Front News", 15 February 2016, available at <<http://www.frontnews.ge/ge/news/95028-%E1%83%A8%E1%83%94%E1%83%A3%E1%83%AB%E1%83%9A%E1%83%94%E1%83%91%E1%83%94%E1%83%9A%E1%83%98%E1%83%90-%E1%83%A5%E1%83%90%E1%83%A0%E1%83%97%E1%83%A3%E1%83%9A%E1%83%98-%E1%83%9E%E1%83%90%E1%83%A1%E1%83%9E%E1%83%9D%E1%83%A0>>.

⁴¹ Hundreds of travelers from Gali to Zugdidi cannot go back, "Livepress", 18 February 2016, available at <<http://www.livepress.ge/ap/tag/article/1-news/13742-galidanzugdidschichamosulias-obithmgzavriukanverbrundebaideo.html>>.

33. According to the Council of Europe, "in early 2016, local residents complained about restrictions on ABL-crossings related to attendance of funerals in Akhagori. More generally, it appears that persisting unclear rules and instructions create a situation of arbitrariness, which negatively affects freedom of movement."⁴²

34. On 17th February 2016, Mr Kęstutis Jankauskas, Head of EUMM Georgia, spoke at the meeting of Subcommittee on Security and Defense of the European Parliament. According to Mr. Kęstutis Jankauskas, "Freedom of movement is a paramount issue, as many people (have to) cross for different reasons, and doing this became more difficult each year we remained there. Crossing people face military personnel each day, risk detention, and technology is increasingly used to screen people ... Uncertainty for documents on the boundary line remains an issue, and also Abkhazia new de facto law on starting on 1 April on visas. ... South Ossetia has only one crossing point, and only people that chose to live there, and are given special permits, are crossing. These permits are still accepted, but there is uncertainty regarding how long they will be valid; all other people are severely limited. Abkhazia: people affected in Gali district mainly, but not everyone possess accepted documents, so who crosses risks to be stopped/rejected while who crosses in non-official crossing points can be detained or risk for the paths e.g. drowning in the river like a woman weeks ago. It is difficult to visit graveyards, especially on Easter when is traditional to do so, hence laws preventing people to cross have great impact, and may prevent people to exercise their religious rights, vote or access their property."⁴³

V. Right to Property

35. Violations of the right to property occur systematically in the occupied regions of Georgia attested by the various sources made available in the reporting period. It should be noted that according to recently published U.S. Department of State's Country Reports on Human Rights Practices for 2015, in Abkhazia so called "legal system" prohibits property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving all IDPs of their property rights in Abkhazia. The Sokhumi occupation regime prevented IDPs living elsewhere in Georgia from reclaiming homes in Abkhazia, based on a so called "law" of 2008 that expropriated all "abandoned property" from the 1992-93 war. By so called "decree" of 2010, the Tskhinvali occupation regime invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhagori region. This so called "decree" also declared that all property in Akhagori belongs to the Tskhinvali occupation regime until a "citizen's" right to that property is established in accordance with the so called

⁴² Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 59.

⁴³ Subcommittee on Security and Defense of the European Parliament, agenda item - "EU Monitoring Mission in Georgia: state of play and future perspectives Exchange of views with: - Kenneth Deane, Director of the EU Civilian Planning and Conduct Capability, EEAS - Kęstutis Jankauskas, Head of Mission of EUMM Georgia - Natalie Sabanadze, Ambassador of Georgia to the EU." the European Parliament, 17 February 2016, available at <<http://www.europarl.europa.eu/ep-live/en/committees/video?event=20160217-0900-COMMITTEE-SEDE>>.

"legislation", effectively stripping ethnic Georgians displaced in 2008 of their property rights in the region.⁴⁴

36. In the reporting period, namely in March 2016, the Russian occupying forces started a road construction on the territory belonging to residents of the village of Jariasheni, Gori district. The village of Jariasheni is located on the territory adjacent to the occupied Tskhinvali Region. The road construction works were carried out by the Russian occupying forces in the gardens and the agricultural plots of land which are in private possession of 32 families of the villagers of Jariasheni. During the road construction fruit trees were demolished in the gardens of the villagers. The Russian occupying forces warned owners of the gardens and agricultural plots of land not to approach their land properties.⁴⁵ According to the Council of Europe, "as a result, the local households reportedly had their lands bisected or fully lost access to them ... At the time of the delegation's visit, no compensation had been reportedly received by these families."⁴⁶

37. On 26th February 2016, the Russian FSB officers on the occupation line stopped the bus travelling to the direction of Zugdidi, located on the territory controlled by the central government of Georgia. The Russian FSB officers identified 21 ethnic Georgian passengers of the bus and detained all of them in special detention centre. The Russian FSB officers seized from 21 ethnic Georgian passengers the agricultural products that were transported by them for sale in Zugdidi market. Moreover, the Russian FSB officers seized personal golden jewelry from one of the detained passenger and strictly warned that person not to disclose information on the above fact.⁴⁷

38. It should be noted that during the reporting period information was disseminated in media on planned forceful eviction from their homes by occupation regime of ethnic Ossetians residing in the occupied Tskhinvali region nearby the occupation line for security grounds.⁴⁸ This information caused serious discontent of the local population.⁴⁹ People living in the occupied villages nearby the occupation

⁴⁴ *Georgia 2015 Human Rights Report*, U.S. Department of State, published in 2016. Available at <<http://www.state.gov/documents/organization/253061.pdf>>, pages 19 and 28.

⁴⁵ *Jariasheni*, 18 March 2016, available at <<http://1tv.ge/ge/videos/view/160621/588.html>>; *Village of Jariasheni of Gori District has become a new Target of Occupants*, 15 March 2016, available at <http://www.damoukidebloa.com/c/news/jariasheni_okupacia_ruseti>; *What is happening in Jariasheni?*, 13 March 2016, available at <<http://kvira.ge/%E1%83%A0%E1%83%90-%E1%83%AE%E1%83%93%E1%83%94%E1%83%91%E1%83%90-%E1%83%AF%E1%83%90%E1%83%A0%E1%83%98%E1%83%90%E1%83%A8%E1%83%94%E1%83%9C%E1%83%A8%E1%83%98-%E1%83%A2%E1%83%A0%E1%83%90%E1%83%9C/>>.

⁴⁶ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 57.

⁴⁷ *Russian Occupants detained 21 Georgians*, "Newposts", 26 February, 2016, available at <<http://www.newposts.ge/?l=G&id=100698-%E1%83%9D%E1%83%99%E1%83%A3%E1%83%9E%E1%83%90%E1%83%9C%E1%83%A2%E1%83%94%E1%83%91%E1%83%98,%20%E1%83%93%E1%83%90%E1%83%99%E1%83%90%E1%83%95%E1%83%94%E1%83%91%E1%83%90>>.

⁴⁸ *Residents to be Evicted from Contact Line, Says s. Ossetia's Media*, 16 February 2016, available at <<http://georgiatoday.ge/news/2987/Residents-to-be-Evicted-from-Contact-Line%2C-Says-S.-Ossetia%E2%80%99s-Medi>>.

⁴⁹ *Ossetians living at the Administrative Line can be Deported*, 16 February 2016, available at <<http://www.ambebi.ge/conflicts/155472-administraciul-sazghvarthan-mckhovrebi-osebi-shesadzloa-gaasakhlon.html>>.

line along the Tskhinvali region are worried that they will eventually face the eviction.⁵⁰

39. According to the information disseminated in the beginning of March 2016, residents of the villages adjacent to the occupied Tskhinvali Region will require special permits issued by so called border guards of the occupation regime and allowing them to carry out agricultural works in their plots of land.⁵¹

40. According to the recently published report, "the limited access to justice also affects Russian victims of human rights violations. Since 2010 there have been cases where Abkhazian authorities have confiscated the homes of ethnic Russians (International Crisis Group, 2010: 13) who could not do much to retaliate due to the deficiencies (International Crisis Group, 2013: 9) in the legal system (MKRU, 2010). The same is true for those Russian citizens who lost their homes in the 1992-1993 war. Despite the huge number of claims, there is only very limited progress in terms of restitution (International Crisis Group, 2013: 9-10)."⁵²

VI. Right to Education in the Native Language

41. In the Gali district there are 31 schools.⁵³ From 31 schools only 11 schools, all of which are in "lower zone" of Gali district, had the status of Georgian schools until the end of the academic year 2014-2015 and subjects were taught in the Georgian language.⁵⁴ However, from the beginning of September of the academic year 2015-2016, drastic changes were made in the curriculum of these 11 schools in "lower zone" of Gali district, namely at present all subjects are taught in the Russian language in the first four grade classes i.e. in first grade, second grade, third grade and fourth grade classes.⁵⁵ According to the observation of the Council

⁵⁰ *South Ossetians Now Need KGB Permit to Visit Friends, Family Near Georgian-Controlled Territory*, 17 February 2017, available at <<http://www.eurasianet.org/node/77371>>.

⁵¹ Available at <<http://kvira.ge/%E1%83%94-%E1%83%AC-%E1%83%A1%E1%83%90%E1%83%9B%E1%83%AE%E1%83%A0%E1%83%94%E1%83%97-%E1%83%9D%E1%83%A1%E1%83%94%E1%83%97%E1%83%A8%E1%83%98-%E1%83%A1%E1%83%90%E1%83%96%E1%83%A6%E1%83%95/>>.

⁵² Andras RACZ, Senior Research Fellow, The Finnish Institute of International Affairs, Finland, "The Frozen conflicts of the EU's Eastern neighborhood and their impact on the respect of human rights", 2016, page 21, available at <[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU\(2016\)578001](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2016)578001)>.

⁵³ By the end of the academic year 2014-2015 there were 4, 459 pupils and 918 employees in these 31 schools; from 4, 459 pupils, 97.57 per cent, were ethnically Georgian and from 918 employees, 91.78 per cent were ethnically Georgian. See Weekly press review on the human rights violations and current events in Abkhazia, prepared by the Justice Department of Georgia's Autonomous Republic of Abkhazia, between 27 July and 2 August 2015.

⁵⁴ *The Realm of the Possible - Finding ways forward in the Georgian-Abkhaz context: People in the Gal/I region*, Conciliation Resources, July 2015, page 10. Available at <http://www.c-r.org/downloads/CR_The-Realm-of-the-possible_Gal-i_43_webEn.pdf>; Report of the Year 2014 of the Public Defender of Georgia on the Situation of Rights of the Population Affected by the Conflicts, 5 June 2015, page 26. Available at <<http://www.ombudsman.ge/en/news/reports-on-the-human-rights-situation-of-conflict-affected-population-and-internally-displaced-persons-in-georgia.page>>.

⁵⁵ The Russian curriculum means that the Russian textbooks, licensed by the Ministry of Education and Science of the Russian Federation and published in the Russian Federation, are used for the teaching. "A special Report of the Public Defender of Georgia - The Right to Education in Gali District: New Developments and Challenges of the Academic Year of 2015-2016", Public Defender of Georgia, October 2015, page 4 and 5. Available at <<https://drive.google.com/file/d/>>

of Europe, "Abkhaz media have reported that the full transition to Russian language of remaining grades is planned to be implemented in the course of the next two or three years."⁵⁶

42. There are cases when so called "governmental officials", sometimes armed, enter these schools in Gali district in order to double check whether the language of instruction is Russian or Georgian; bags of schoolchildren are forcefully checked to avoid the Georgian language materials in schools.⁵⁷ It is alarming that in the reporting period eight school teachers and one school director were dismissed from these 11 schools in "lower zone" of Gali district for the reason of making references to Georgia in positive context.⁵⁸ Cases of intimidation of school teachers for dissenting political opinions and speaking the Georgian language with pupils are common.⁵⁹

43. There are more and more cases of parents making decisions on termination of attendance by their schoolchildren of the schools with newly introduced Russian curriculum and transferring them to the schools located on the other side of the occupation line; there were 60 such cases during the academic year 2015-2016 so far.⁶⁰ According to the Council of Europe, "the issue of access to education remains an acute problem also in relation to freedom of movement. It appears that over 50 pupils cross the ABL on a daily basis to attend school while detentions continue to occur. It was reported to the delegation that two detention cases involving four and three schoolchildren from the villages of Lower Gali took place on 27 January and 1 February respectively."⁶¹

44. According to the information disseminated on 16th February 2016, pupils of 11 schools in "lower zone" of Gali district have difficulties in learning subjects in the Russian language.⁶² It is noteworthy that not all local teachers have corresponding command of the Russian language.⁶³

0B9BM3M8hbgAUNFE3RndiaXc2dFU/view?pref=2&pli=1>; In these classes only few hours is allocated for learning the Georgian language as a foreign language.

⁵⁶ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 50.

⁵⁷ Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

⁵⁸ Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

⁵⁹ Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

⁶⁰ Eight school teachers and one school director were dismissed from 11 schools of Gali district for making references to Georgia in positive context, "Resonansi", 21 March 2016, available at <http://www.resonancedaily.com/index.php?id_rub=2&id_artc=28522>.

⁶¹ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 55.

⁶² Teacher: Curriculum in Abkhaz schools corresponds to Soviet Union Standards, 16 February 2016, available at <<http://www.livepress.ge/ka/akhali-ambebi/article/13693-pedagogiafkhazethisskolebshisastavlopogramasabicothakavshirisstandartisidenturia.html>>.

⁶³ Consolidated Report on the Conflict in Georgia, Council of Europe (October 2015-March 2016), 2016, SG/Inf (2016) 14, paragraph 51.

VII. Conclusions

45. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of torture and ill treatment and examples provided for the reporting period constitute infringements on freedom from torture and ill-treatment and therefore are violations of Article 7 of the International Covenant on Civil and Political Rights (ICCPR); Article 5 of the Universal Declaration of Human Rights (UDHR); Article 3 of the European Convention on Human Rights (ECHR); and the OSCE commitments.⁶⁴

46. It can be concluded that the situation described in the occupied regions of Georgia with regard to arbitrary detention and examples provided for the reporting period constitute arbitrary detention and therefore violations of Article 9 of the International Covenant on Civil and Political Rights (ICCPR); Article 3 of the Universal Declaration of Human Rights (UDHR); Article 5 of the European Convention on Human Rights (ECHR); and relevant provisions of the OSCE commitments.⁶⁵

47. It can be concluded that the situation described in the occupied regions of Georgia with regard to freedom of movement and examples provided for the reporting period constitute violations of the right to freedom of movement, namely of Article 12 of the International Covenant on Civil and Political Rights (ICCPR); Article 13 of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 4 of the European Convention on Human Rights (ECHR); and the OSCE freedom of movement commitments.⁶⁶

48. It can be concluded that the situation described in the occupied regions of Georgia with regard to right to property and examples provided for the reporting period violate the right to property, namely Article 17 of the Universal Declaration of Human Rights (UDHR); Article 1, Protocol No. 1 of the European Convention on Human Rights (ECHR); and the OSCE commitments.⁶⁷

49. It can be concluded that the situation described in the occupied regions of Georgia with regard to education in the native language⁶⁸ and examples provided for

⁶⁴ The Vienna Concluding Document (1989) prohibits torture and other cruel, inhuman or degrading treatment or punishment. Paragraph 23.4; The Paris Document (1990) also prohibits torture and other cruel, inhuman or degrading treatment or punishment; the Istanbul Charter for European Security commits to "eradicating torture and other cruel, inhuman or degrading treatment or punishment throughout the OSCE area." Paragraph 21.

⁶⁵ The Vienna Concluding Document (1989) provides for ensuring that no one is subjected to arbitrary arrest, detention or exile. Paragraph 23.1; According to the Moscow Document (1991) "no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law". Paragraph 23.1 (i).

⁶⁶ According to paragraph 33 of the Moscow Document (1991), the OSCE participating States are obliged to remove all restrictions with regard to travel within the territory of a State and with regard to residence for those entitled to permanent residence within the territory of a State. And according to paragraph 20 of the Vienna Concluding Document (1989), the OSCE participating States are committed to secure the right of everyone to freedom of movement and residence within the borders of a State.

⁶⁷ The OSCE commitments impose obligation on states to ensure that everyone has the right to enjoy property and that no one may be deprived of property except under conditions provided for by law. Moscow Document (1991), paragraph 24; Copenhagen Document (1990), paragraph 9.6.

⁶⁸ The right to receive education in the native language is widely recognized under international law. *Languages and the Realization of the Right to Education*, UNESCO. For example, under the

the reporting period constitute violations of the right to education in one's native language and therefore violations of Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights (UDHR); Article 2, Protocol No. 1 of the European Convention on Human Rights (ECHR); Article 28 (read in conjunction with paragraph 1 of Article 2) of the UN Convention on the Rights of the Child; and relevant provisions of the OSCE commitments.⁶⁹

50. It can be concluded that the situation described in the occupied regions of Georgia, particularly adoption of so called "laws" and the process of "passportisation" violates prohibition of discrimination provisions of Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR); Article 26 of the International Covenant on Civil and Political Rights (ICCPR); and International Convention on the Elimination of All Forms of Racial Discrimination.

51. It can be further concluded that the situation described in the occupied regions of Georgia violates the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region.⁷⁰

VIII. Appeal to the International Community

52. The Ministry of Foreign Affairs of Georgia appeals to the international community, states as well as international intergovernmental and non-governmental organizations:

to continue recognizing extensively and widely the occupation of the territories of Georgia by the Russian Federation;

to continue calling on the Russian Federation to bear responsibility for human rights violations on the occupied regions of Georgia;

to continue calling on the Russian Federation to stop placing and remove barbed wire fences and other artificial obstacles and banners along the occupation line;

to take additional measures in order to monitor and report on the human rights situation in the occupied regions of Georgia, more specifically, the Ministry of Foreign Affairs of Georgia appeals to:

i) *the Office of the United Nations High Commissioner for Human Rights (OHCHR) to take additional measures in order to regularly*

ECHR, the right to education implies the right to be educated in the national language. *Belgian Linguistic Case*, Judgment of 23 July 1968, para 3 (A.6 (1968), p.31). In *Cyprus v. Turkey* the Court stated that the abolishing the facility for Greek-Cypriot children in Northern Cyprus for pursuing a secondary education in the Greek language violated Article 2 of the ECHR. Judgment of 10 May 2001, paragraphs 273-280.

⁶⁹ According to paragraph 63 of the Vienna Document (1989), all shall have access to "the various types and levels of education without discrimination as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

⁷⁰ Resolution adopted by the General Assembly on 3 June 2015 on Status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia. A/RES/69/286, paragraph 1. See also previous resolutions: 68/274 of 5 June 2014; 67/268 of 13 June 2013; 66/283 of 3 July 2012; 65/287 of 29 June 2011 etc.

address and assess the human rights situation in Abkhazia and Tskhinvali region of Georgia;

ii) the UN Human Rights Council's Special Procedure Mandate holders to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in Abkhazia and Tskhinvali region of Georgia;

iv) the OSCE and its autonomous institutions, namely the Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the High Commissioner on National Minorities (HCNM) to find ways for monitoring the human rights situation in Georgia's occupied regions. Such steps could, inter alia, include undertaking a follow-up mission to the occupied regions of Georgia and preparing a report on the status of the implementation of the recommendations contained in the ODIHR/HCNM 2008 Report on "Human Rights in the War Affected Areas following the Conflict in Georgia".

to continue calling on the Russian Federation to allow a) access of the international human rights monitoring mechanisms to the occupied regions of Georgia; b) access of the relevant missions of international organizations (e.g. EUMM), including humanitarian organizations, to the occupied regions of Georgia through legal routes;

to continue and intensify condemning violations of human rights such as freedom of movement; freedom from torture and ill-treatment; the right to liberty; the right to property and the right to receive education in the native language in the occupied regions of Georgia.

**Security Council**

Distr.: General
9 June 2016
English
Original: French

Letter dated 3 June 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1966 (2010), adopted on 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals and, in particular, the reappointment of the judges of the Mechanism.

In accordance with the provisions of Article 8 of the statute of the Mechanism, which is set out in Annex I to resolution 1966 (2010), the Mechanism shall have a roster of 25 independent judges, not more than two of whom may be nationals of the same State. Further, article 10, paragraph 3 provides that the judges of the Mechanism shall be elected for a term of four years and shall be eligible for reappointment by the Secretary-General after consultation with the Presidents of the Security Council and of the General Assembly.

On 20 December 2011, the General Assembly elected 25 judges of the Mechanism for a term of four years, with effect from 1 July 2012. One of these judges resigned effective 17 November 2015. Pursuant to Article 10, paragraph 2, I appointed his replacement after consultation with the Presidents of the Security Council and of the General Assembly. The term of office of all 25 judges of the Mechanism will expire on 30 June 2016.

I recall that, under paragraph 17 of resolution 1966 (2010), the Security Council decided that the Mechanism would operate for an initial period of four years from the first commencement date referred to in paragraph 1 of the resolution. The Council also decided to review the progress of the work of the Mechanism, including in carrying out the functions assigned to it, before the end of this initial period and every two years thereafter. The Council further decided that the Mechanism would continue to operate for subsequent periods of two years following each such review, unless the Security Council decided otherwise. I note that the Security Council has completed its review of the progress of the work of the Mechanism, as is reflected in resolution 2256 (2015) of 22 December 2015.

By its resolution 2269 (2016), adopted on 29 February 2016, the Security Council decided that, the provisions of Article 10, paragraph 3 of the statute of the Mechanism notwithstanding, the judges of the Mechanism may be appointed or reappointed for a two-year term.

Therefore, I intend to reappoint the 25 judges of the Mechanism, who are listed in the annex enclosed herewith, for a term of two years, with effect from



1 July 2016 until 30 June 2018, which would be in line with the forthcoming period of operation of the Mechanism (see annex).

In accordance with the provisions of Article 10, paragraph 3, of the statute of the Mechanism, I look forward to receiving your views on the proposed reappointment of the judges.

(Signed) **BAN Ki-moon**

Annex

[Original: English]

Roster of judges of the International Residual Mechanism for Criminal Tribunals as at 27 May 2016

Mr. Carmel A. Agius (Malta)
Mr. Aydin Sefa Akay (Turkey)
Mr. Jean-Claude Antonetti (France)
Ms. Florence Arrey (Cameroon)
Ms. Solomy Balungi Bossa (Uganda)
Mr. Ivo Nelson de Caires Batista Rosa (Portugal)
Mr. José Ricardo de Prada Solaesa (Spain)
Mr. Ben Emmerson (United Kingdom of Great Britain and Northern Ireland)
Mr. Christoph Flügge (Germany)
Ms. Graciela Susana Gatti Santana (Uruguay)
Mr. Burton Hall (Bahamas)
Mr. Vagn Prüsse Joensen (Denmark)
Mr. Gberdao Gustave Kam (Burkina Faso)
Mr. Liu Daqun (China)
Mr. Joseph E. Chiondo Masanche (United Republic of Tanzania)
Mr. Theodor Meron (United States of America)
Mr. Bakone Justice Moloto (South Africa)
Mr. Lee G. Muthoga (Kenya)
Ms. Aminatta Lois Runeni N'gum (The Gambia)
Ms. Prisca Matimba Nyambe (Zambia)
Mr. Alphons Orie (The Netherlands)
Mr. Seymour Panton (Jamaica)
Mr. Seon Ki Park (Republic of Korea)
Mr. Mparany Mamy Richard Rajohnson (Madagascar)
Mr. William Hussein Sekule (United Republic of Tanzania)



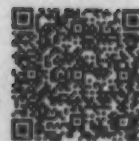
Security Council

Distr.: General
9 June 2016
English
Original: French

Letter dated 9 June 2016 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 3 June 2016 (S/2016/526), regarding your intention to reappoint the 25 judges of the International Residual Mechanism for Criminal Tribunals, listed in the annex to your letter, for a term of two years with effect from 1 July 2016 until 30 June 2018, has been brought to the attention of the members of the Security Council. They have taken note of the information contained in your letter and of the intention expressed therein.

(Signed) François Delattre
President of the Security Council





Security Council

Distr.: General
13 June 2016

Original: English

United Kingdom of Great Britain and Northern Ireland: draft resolution

The Security Council,

Recalling its resolution 1970 (2011) and all its subsequent resolutions on Libya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya,

Taking note of the report of the Secretary-General on the United Nations Support Mission in Libya (UNSMIL) (S/2016/452),

Expressing its support for the ongoing efforts of UNSMIL and the Special Representative of the Secretary-General to facilitate a Libyan-led political solution to the challenges facing Libya,

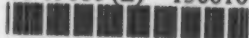
Recalling resolution 2259 (2015) which endorses the Rome Communiqué of 13 December 2015 to support the Government of National Accord as the sole legitimate government of Libya, and welcoming the arrival in Tripoli on 30 March 2016 of members of the Presidency Council of the Government of National Accord, led by Prime Minister Fayez Serraj,

Reiterating its support for the full implementation of the Libyan Political Agreement of Skhirat, Morocco signed on 17 December 2015 to form a Government of National Accord consisting of the Presidency Council and Cabinet supported by the other institutions of state including the House of Representatives and State Council,

Welcoming the endorsement in principle of the Libyan Political Agreement by the House of Representatives on 25 January 2016 and further *welcoming* the meeting of the Libyan Political Dialogue on 10 March 2016 which reaffirmed its commitment to uphold the Libyan Political Agreement,

Recognizing the importance of continued inclusiveness, *strongly encouraging* the Government of National Accord to support reconciliation and enhance political outreach throughout Libya, and *emphasizing* the importance of all parties in Libya engaging constructively with the Libyan Political Agreement in good faith and with sustained political will,

Urging the full, equal and effective participation of women in all activities relating to the democratic transition, conflict resolution and peacebuilding in line



with relevant Security Council resolutions, including resolutions 1325 (2000), 2122 (2013) and 2242 (2015),

Taking note of the Vienna Communiqué of 16 May 2016 which urged all parties to work constructively towards the completion of the transitional institutional framework and welcomed the creation of the Presidential Guard by the Presidency Council, and *stressing* that ensuring security and defending Libya from terrorism must be the task of unified and strengthened national security forces under the sole authority of the Government of National Accord in accordance with the Libyan Political Agreement,

Encouraging the Government of National Accord to finalize interim security arrangements for stabilizing Libya as a critical step towards tackling Libya's political, security, humanitarian, economic and institutional challenges and to combat the threat of terrorism,

Expressing grave concern at the rapidly deteriorating humanitarian situation in Libya,

Reiterating its request that all Member States fully support the efforts of the Special Representative of the Secretary-General and work with the Libyan authorities and UNSMIL to develop a coordinated package of support to build the capacity of the Government of National Accord, in line with Libyan priorities and in response to requests for assistance, and *further reiterating* its call upon all parties to cooperate fully with the activities of UNSMIL, including taking necessary steps to ensure the security and unhindered movement for the UN and associated personnel,

Recalling its determination in resolution 2213 (2015) that the situation in Libya continues to constitute a threat to international peace and security,

1. *Decides* to extend until 15 December 2016 the mandate of UNSMIL, under the leadership of the Special Representative of the Secretary-General, as an integrated special political mission, in full accordance with the principles of national ownership, through mediation and good offices, to support implementation of the Libyan Political Agreement, the Government of National Accord, formation of its security arrangements, and subsequent phases of the Libyan transition process, and for UNSMIL within operational and security constraints, to undertake the following tasks:

- (i) human rights monitoring and reporting;
- (ii) support for securing uncontrolled arms and related materiel and countering its proliferation;
- (iii) support to key Libyan institutions;
- (iv) support, on request, for the provision of essential services, and delivery of humanitarian assistance and in accordance with humanitarian principles;
- (v) coordination of international assistance;

2. *Recognizes* that since 30 March 2016 UNSMIL has facilitated a consistent presence in Libya to support the Presidency Council and Temporary Security Committee and *encourages* UNSMIL to re-establish a permanent presence in Libya through a phased return, as security conditions allow and to make the necessary security arrangements to this effect;

-
3. *Requests* the Secretary-General to continue to report to the Security Council on the implementation of this resolution at least every 60 days;
 4. *Requests* the Secretary-General to report as necessary following consultations with the Libyan authorities on recommendations for UNSMIL's support to the subsequent phases of the Libyan transition process and UNSMIL's security arrangements;
 5. *Decides* to remain actively seized of the matter.
-



Security Council

Distr.: General
16 June 2016
English
Original: French

Identical letters dated 10 June 2016 from the Chargé d'affaires a.i. of the Permanent Mission of Mali to the United Nations addressed to the Secretary-General and the President of the Security Council

I have the honour to transmit herewith a document concerning the state of implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process, signed at Bamako on 15 May 2015 and finalized on 20 June 2015.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Dianguina dit Yaya Doucouré
Chargé d'affaires a.i.



**Annex to the identical letters dated 10 June 2016 from the
Chargé d'affaires a.i. of the Permanent Mission of Mali to the
United Nations addressed to the Secretary-General and the
President of the Security Council**

**Memorandum from the Government of Mali on the
implementation of the Agreement on Peace and Reconciliation in
Mali emanating from the Algiers process, signed at Bamako on
15 May 2015 and 20 June 2015**

I. Introduction

The implementation of the Agreement on Peace and Reconciliation in Mali emanating from the Algiers process, signed at Bamako on 15 May 2015 and finalized on 20 June 2015, is proceeding in accordance with the action plan in effect. While progress has been made, certain challenges remain, largely due to the insecurity of current conditions.

**II. Progress in carrying out the action plan for implementing
the Agreement**

The following are the salient points in the implementation of the Agreement.

1. Political and institutional reforms

- Appointment and installation of governors of the new regions of Taoudenny and Ménaka; delegated project management agreements were signed on 13 May 2016 between the governors of Taoudenny and Ménaka and the respective managing directors of Agetier, in the amount of 1 billion CFA francs, and Agetipe, for approximately 800 million CFA francs, for infrastructure repair, construction and outfitting by the general administration (governorates, residences and lodgings, annex buildings, etc.).
- Promulgation of Law 2016-013 of 10 May 2016, establishing provisional authorities following the modification of the Local Government Code, and the adoption of Decree 2016-0332/P-RM of 18 May 2016, setting out the arrangements for the implementation of those authorities, which should accelerate the process of implementing the Agreement. The ministry in charge of decentralization is currently in the process of finalizing other documents connected with the establishment of provisional authorities in the northern regions of Mali (drafts of joint ministerial decisions, methodological guidelines, circular letters, field mission timetables etc.).
- Initiation of the process of revising the Constitution, through the establishment of a reviewing group and the preparation of a work timetable, especially for dealing with the provisions of the Agreement concerning the establishment of a second chamber of Parliament (the Senate).
- Establishment by the Government of a committee to review the electoral law, with copies of the draft electoral law having already been sent to the Plateforme and the Coordination of Movements of Azawad for their views.

2. Defence and security

- Creation of an institutional framework for security-sector reform, with the appointment of a commissioner for such reform as the well as the on-going review of the decree creating the National Council for Security-Sector Reform, a task that was carried out with the participation of representatives of the Coordination of Movements of Azawad and the Plateforme, in conformity with the Agreement. A National Commission for Disarmament, Demobilization and Reintegration and an Integration Commission have also been set up under Decrees 0894 and 0895 /P-RM of 31 December 2015 respectively.
- Assumption of responsibility by the Government for combatants of the signatory Movements, pending initiation of the disarmament, demobilization and reintegration process proper.
- Selection of 24 sites to be prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) and commencement of construction of three sites (Likrakar, Fafa, and Inegar), and an agreement to build five other supplementary sites.
- Implementation of the first mixed patrol (Malian armed forces, Plateforme, and Coordination).
- Submission of partial lists of ex-combatants of the Movements signatories of the Agreement, for the purposes of constituting the first units of the Operational Coordination Mechanism, pre-cantonment and the disarmament, demobilization and reintegration.

3. Economic, social and cultural development

- Undertaking development actions on the ground where security conditions permit, mainly through existing sectoral projects and programmes.
- Emplacement and installation of regional development agencies in all regions and the Bamako District, with budgetary funding during fiscal 2016.
- Organization of the Paris Conference of 22 October 2015 to mobilize the funding needed for implementation of the Agreement (with 3.2 billion Euros in pledges made).
- Commissioning of a Joint Evaluation Mission in northern Mali. The final report of the Mission was filed in April 2016.
- Drafting of a specific development strategy for the northern regions of Mali; the first draft is now available, and the Government foresees the deployment of restitution missions on the ground prior to filing the finalized and validated document with the Monitoring Committee of the Agreement.
- Establishment, at the level of the Ministry of Economy and Finance, of a team responsible for defining the financial structure of the sustainable development fund for the northern regions of Mali, backed at the outset by 300 billion CFA francs (approximately 457 million Euros) for the 2016-2016 period, to be viewed as a "peace effort" on the part of the Malian Government.
- A substantial increase in the 2016 budget for implementing the Agreement, totalling 16.4 billion CFA francs, as opposed to 12.2 billion in 2015.

- Dialogue between the Government and lenders, held on 24 and 25 March 2016, on infrastructure financing for opening up the northern regions of Mali, with the African Development Bank as lead partner (10 projects submitted, of which five involve roads and five involve airfields).

4. Justice, national reconciliation and humanitarian issues

- Restoration of basic social services in the northern regions, in cooperation with the Plateforme and the Coordination; missions to crisis-affected areas to assess ways to reopen classes for the 2015-2016 school year, especially at Kidal; and restoration of electricity to the town of Kidal through the acquisition and operation of a generator, backed up by the distribution of more than 100 solar kits for lighting social-services centres (schools, health centres, mosques and other public places) in the region.
- Drafting and implementation of a strategy and action plan for the return of refugees and persons displaced within Mali; joint Government and signatory Movement missions have been organized for refugees in Niger and Burkina Faso during the month of May 2016.
- Signing of tripartite agreements among Mali, the United Nations High Commissioner for Refugees and Niger, on the one hand, and among Mali, the High Commissioner and Burkina Faso, on the other. Negotiations with Mauritania in this regard are also under way.
- Preparation of four sites urgently needed for placement of refugees to improve conditions for their return to regions affected by the crisis.
- Updating, with the participation of the signatory Movements and other actors, of the emergency relief plan during the interim period 2016-2017, with costs totalling 222.118 billion CFA francs, of which 6.158 billion will be sought from technical and financial partners. The plan covers the sectors of education, health and hygiene, displaced persons and refugees, food security, hydraulics, and energy. The plan has been transmitted to the presidency of the mediation process on 18 May 2016 and to the signatory Movements on 6 June 2016.
- Effective commencement of the work of the Truth, Justice and Reconciliation Commission: to enhance its inclusive character and increase the representation of the signatory Movements as well, the Government has adopted amendments increasing the Commission's membership from 15 to 25, with the ten supplementary Commissioners having been appointed by the Council of Ministers on 18 May 2016.
- Adoption by the Government of a regulatory decree for the law on indemnification of victims of the events of 2012.
- Preparations for the National Reconciliation Conference: the Government has prepared a preliminary draft terms of reference, and the Conference is planned for December 2016.
- Referral to the United Nations Human Rights Council, by letter on 1 July 2014, of a proposal for the creation of an international commission of enquiry (response from the United Nations is still awaited).

- Preparation of a preliminary draft policy document on transitional justice, accompanied by an action plan.
- Preparation of a national plan for implementation of Security Council resolution 1325 (2000), allowing the development of strategies for combating gender-based violence and for participating in the implementation of the Agreement.

Nevertheless, implementation of the Agreement is subject to certain difficulties and constraints.

III. Challenges and opportunities

1. Challenges for the implementation of the Agreement

Implementation of the Agreement is continuing, and constitutes one of the first priorities of the Malian Government. However, certain challenges persist and should be brought to the attention of the various actors and partners. These include:

- Persistence of insecurity, which hinders development in the north of the country especially;
- Non-availability of full financing needed for completion of projects and programmes planned under annex 3 of the Agreement;
- Complexity of procedures for implementation of certain measures and for disbursement of financing already acquired;
- Delays in the process of disarmament, demobilization and reintegration and the mobilization of mixed patrols under the framework of the Operational Coordination Mechanism, owing to the lack of the 600 troops who would make up the initial units of the Mechanism. Nevertheless, the decisions taken by the Defence and Security Sub-Committee offer some grounds for optimism, as that body was the only one able to meet on 1 June at the Bamako International Conference Centre, where it firmly resolved to put in place the mechanisms and instruments of the Agreement with regard to defence and security (the Operational Coordination Mechanism, mixed patrols, cantonment) and to proceed progressively in operationalizing them (see the summary of conclusions of the Defence and Security Sub-Committee).

2. Opportunities

- Launching a strong campaign of communication about the Agreement and its implementation, to mark the first anniversary of its signature.
- Networking and working meetings with ministerial departments at the secretaries-general level.
- Restoration of the Consortium for Economic and Social Research, with the creation of a security post to serve as headquarters for the permanent secretariat of the National Committee for Coordinating the Implementation of the Agreement, the Monitoring Committee of the Agreement, and the Movements that have signed the Agreement.
- Upcoming installation of interim authorities, with priority given to those in the northern regions of Mali.

- Implementation of the Operational Coordination Mechanism, with the effective participation of the signatory Movements in the various activities to be organized.

IV. Conclusion

Implementation of the Agreement is proceeding, but not without some challenges and delays. Moreover, there appears to be a need for the Government to speed the pace of implementation of the Agreement for Peace and Reconciliation in Mali emanating from the Algiers process, in its various aspects.

The threat posed by terrorism and drug trafficking constitutes a major risk for the efforts to implement the Agreement. To that end, the partners (Barkhane and MINUSMA) must coordinate better with the Malian armed forces and the signatory Movements in order to act together and do so effectively.

The mandate and rules of engagement of MINUSMA should be adapted to the new security situation. To that end, the consultations currently under way in the Security Council should enable the achievement of a salutary consensus on the new posture of MINUSMA in northern Mali, in the face of the terrorist menace that continues to overshadow the Sahelo-Saharan region.

The efforts undertaken by the Government of Mali, under the leadership of President Ibrahim Boubacar Keita, towards the integral and effective application of the Agreement, have been recognized in the report of the Secretary-General of the United Nations and at the forty-ninth Ordinary Summit of the Authority of Economic Community of West African States Heads of State and Government, held at Dakar on 4 and 5 June 2016.

Bamako, 10 June 2016



Security Council

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Letter dated 10 June 2016 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey herewith the second report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism.

I should be grateful if the present letter and the report could be brought to the attention of the members of the Security Council.

(Signed) BAN Ki-moon



**Letter dated 10 June 2016 from the Leadership Panel of the
Organization for the Prohibition of Chemical Weapons-
United Nations Joint Investigative Mechanism addressed to the
Secretary-General**

The Leadership Panel of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism has the honour to transmit the Mechanism's second report pursuant to Security Council resolution 2235 (2015).

The report provides a description of the activities undertaken by the Mechanism from 12 February to 10 June 2016. It also provides an indication of the activities that the Mechanism is planning to undertake during the coming weeks.

(Signed) Virginia Gamba
Head
Organization for the Prohibition of Chemical Weapons-
United Nations Joint Investigative Mechanism

(Signed) Adrian Neritani
Leadership Panel

(Signed) Eberhard Schanze
Leadership Panel

Second report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism

I. Introduction

1. The present report is the second of the Organization for the Prohibition of Chemical Weapons (OPCW)-United Nations Joint Investigative Mechanism pursuant to paragraph 11 of Security Council resolution 2235 (2015). It covers the period from 12 February 2016, when the Mechanism's first report was submitted to the Security Council (S/2016/142), to 10 June 2016. The period marks the conclusion of phase I and the beginning of phase II of the Mechanism's implementation of its mandate. The report provides a description of the activities undertaken by the Mechanism during the period in question.

II. Background

2. The Mechanism's first report provided an overview of the work of the Mechanism since its establishment on 24 September 2015, through its becoming operational on 13 November (beginning of phase I) until 10 February 2016. It included a description of the sources of information available to the Mechanism and the methodology behind the investigation. It also discussed the specific considerations in view of developing operational guidelines and procedures that the Mechanism needed owing to its unprecedented mandate "to identify to the greatest extent feasible individuals, entities, groups, or governments who were perpetrators, organizers, sponsors or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic where the OPCW fact-finding mission determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons".

3. Subsequently, the Mechanism informed the Security Council, through the Secretary-General, of the following nine cases that would be further investigated during phase II (see S/2016/196):

- (a) Kafr Zita, Hama governorate, 10, 11 and 18 April 2014;
- (b) Al-Tamanah, Idlib governorate, 29 and 30 April and 25 and 26 May 2014;
- (c) Talmenes, Idlib governorate, 21 April 2014;
- (d) Qmenas, Idlib governorate, 16 March 2015;
- (e) Sarmin, Idlib governorate, 16 March 2015;
- (f) Binnish, Idlib governorate, 23 and 24 March 2015;
- (g) Marea, Aleppo governorate, 21 August 2015.

4. The selection of the cases was based on a methodology devised by the Mechanism, taking into account severity (deaths, casualties, etc.), the delivery method and munition, and the quality and quantity of data and information about the incidents. The analysis of available information and identification of cases to be pursued marked the end of phase I. Phase II, which began on 1 March 2016, consists

of case-specific information collection, analysis and assessment, the identification of information gaps and the beginning of corroboration activities. Furthermore, the phase includes technical visits to capitals, the region and the Syrian Arab Republic, interactions with technical bodies such as forensic laboratories and institutes, and witness interviews. The phase will continue until sufficient information has been gathered, analysed, assessed and corroborated to allow the Mechanism to present its findings to the Security Council.

III. Activities of the Leadership Panel

5. During the reporting period, the Leadership Panel of the Mechanism focused its efforts on the key aspects set out below.

6. First, the Leadership Panel continued to engage with the members of the Security Council and other States Members of the United Nations, to maintain and strengthen their confidence in and support for the work of the Mechanism. The continuing dialogue with Member States as the principal stakeholders in this effort was of utmost importance to develop and maintain trust and to facilitate subsequent information-gathering for the investigators. The Panel travelled to capitals, upon invitations, for discussions with government officials and to seek cooperation with the Mechanism. During the reporting period, the Panel visited seven countries, three of them in the Middle East, and is planning to visit three more countries in June. The Panel also held more than 100 bilateral meetings with Member States in New York and in The Hague during the past four months.

7. Second, the Leadership Panel established and maintained regular contacts with United Nations entities and other international organizations, non-governmental organizations and other non-State actors, including the private sector, to solicit their cooperation and request relevant information that might benefit the investigation. Through its engagement with relevant stakeholders, the Panel paved the way for their direct communication with the Mechanism's investigators.

8. Third, the Leadership Panel ensured that the Secretary-General was kept abreast of the Mechanism's progress in its work. The Panel periodically met the Director General of OPCW in The Hague. In addition, the Panel and the High Representative for Disarmament Affairs jointly informed the Director General after each monthly briefing to the Security Council on resolutions 2118 (2013) and 2235 (2015) of relevant issues that had emerged during the discussion.

9. Fourth, the Leadership Panel ensured that the Mechanism had appropriate and sufficient resources for the investigation. The Panel has facilitated expedited policies for the hiring of specialists to strengthen its team in The Hague and in Damascus with the expertise necessary to conduct and complete a professional investigation. The Trust Fund associated with the Mechanism has been utilized for this purpose.

10. Lastly, the Leadership Panel provided overall guidance and oversight to the investigation as well as the continued adoption of procedures, where necessary. The Panel has been leading the way in developing the Mechanism's operational guidelines and procedures for identifying perpetrators in the use of chemicals as weapons. These include guidelines and procedures on how to start an investigation, conduct witness interviews, collect, analyse and handle information (including chain

of custody) and corroborate and authenticate information. The Mechanism will submit the operational guidelines and procedures to the Security Council before the conclusion of its mandate.

IV. Investigation activities

Investigation plans

11. The Mechanism prepared an investigation plan for each case to help to guide the overall investigation and, more specifically, the planning process. The plan contains a description for each case and a summary of the findings of the OPCW fact-finding mission. It defines the scope of the investigation and provides an evaluation of the relative strengths and weaknesses of each case. It also outlines the case hypotheses, areas of work, activities and deadlines. It further identifies information gaps and plans for how to close them, and sets out a list of significant steps taken with regard to the lines of investigation.

12. The investigation plan is constantly updated and refined in accordance with the information gathered from available sources. Changes to the plan, including shifts in lines of investigation, are made on the basis of new information received and regular assessments conducted in respect of that information.

13. The investigation plan guides activities, including information analysis, gap analysis and in-depth comparative analysis. As information is gathered and analysed, an assessment is made as to whether more information is needed for the purposes of corroboration. This procedure is aimed at facilitating a methodical approach in the consideration and analysis of the information obtained to achieve a required sufficiency for identification purposes. The method is most useful in ensuring that the investigation remains focused, as well as independent, impartial and objective. The discipline exercised in these efforts will facilitate the ability of the Leadership Panel to reach its conclusions and recommendations on the nine cases in its subsequent reporting to the Security Council.

Information collection

14. The Mechanism continues to request and receive non-fact-finding mission information from Member States and other entities. Such information feeds into the development and refinement of the lines of investigation for each case.

15. The Mechanism considers information collection, analysis, assessment and corroboration to be simultaneous and non-sequential processes. As information collection continues, and on the basis of the ongoing evaluation of the information, new questions and queries arise. These new questions are often more complex, detailed and direct than those that have preceded them and require more detailed and considerate responses from aforementioned stakeholders.

16. The Mechanism has continued to request and receive information from the Syrian Arab Republic. Investigators undertook two visits, each of a week's duration, to the country in March and May 2016, in addition to the visit of the Leadership Panel conducted in December 2015 following the signature of the agreement concerning the status of the Mechanism, to ensure the timely, safe and secure conduct of the mandate of the Mechanism in the Syrian Arab Republic. Mandatory, one-week predeployment safety and security training was provided to the

Mechanism's investigators and the Panel ahead of the visits. Questions have always been prepared and shared with the Member State in advance of the country visits and meetings. During the two technical visits, the investigators met government officials, including technical counterparts and scientists. The Government also provided information material to the Mechanism, as well as access to witnesses to some of the incidents under investigation.

17. To date, there has been an increase in the number of other Member States that have provided information to the Mechanism. Several have submitted more than one set of responses to the Mechanism's multiple information requests, which, as indicated above, have over time become increasingly detailed and case-specific.

18. Furthermore, a great deal of the information has been collected by the Mechanism by establishing a network of contacts with relevant information on the cases under investigation. Efforts have been under way to broaden this network, where possible and if useful, within the Mechanism's time frame. As such, non-governmental organizations, the private sector, research organizations, institutes and other civil society organizations have been contacted when the investigators and/or the Leadership Panel thought that they could provide pertinent information to the investigation and thus help to fill gaps or corroborate existing information.

Analysis, assessment and corroboration of information

19. In phase II, the main emphasis has been on case-specific information collection, analysis and assessment, the identification of information gaps and the beginning of corroboration activities. Investigators have been revising and analysing all available fact-finding mission and non-fact-finding mission material collected to date, which includes more than 6,000 pages of documents, transcripts of more than 200 interviews, more than 850 pieces of photographic material, more than 350 videos obtained from open sources and provided by witnesses themselves, and more than 3,500 files, including videos, photographs and audio recordings. Given that most of the non-fact-finding mission information needed for gap identification is available only in Arabic, large numbers of documents have been translated. In addition, the investigators have recorded witness interviews, an activity that is continuing.

20. The Mechanism has been conducting assessment exercises to structure the next steps and test the robustness of the various lines of investigation pursued for each case. To this end, accumulated information and data are subjected to various forms of comparative analysis, to identify patterns and trends. These analyses assist in the validation of case hypotheses and guide the identification layers with respect to potential perpetrators, thus moving the investigation forward.

21. The analytical and information collection stages include a methodical corroboration of certain aspects of the cases under investigation. The corroboration process involved the engagement of two internationally recognized forensic institutes, which are analysing material pertaining to the cases. This includes forensic analysis of media files provided to the Mechanism by various sources to determine, among other things, whether videos and photographs have been modified or altered, and verify the dates and locations, including by comparing them with other imaging from the locations. To date, the investigators have delivered about 40 files to the two institutes, which translates to more than 600 hours of forensic work. This work is continuing as more files are received.

22. In addition, the Mechanism has consulted with several laboratories on chemical substances, munitions and other related issues, as needed. It will continue to work with specialized laboratories to gain a better understanding of the information received and to assess its theories. To date, the Mechanism's investigators have undertaken six technical visits to several forensic institutes and laboratories.

V. Other activities

23. First, the Mechanism established a light footprint presence in Damascus in April. The liaison office there is staffed by a political affairs officer, who acts as the main focal point with the Government, providing up-to-date information and recommendations to the Leadership Panel regarding substantive political matters.

24. Second, to facilitate the investigative work, and to protect the confidentiality of the information received from Member States and other stakeholders, a robust information management system has been put in place. It contains a record management system and a separate network, including a dedicated server in the Mechanism's office in The Hague. Confidential and non-classified information collected or generated by the Mechanism is placed into the content and record management system. In the case of paper records, originals are scanned to be uploaded to the system and stored in the physical file; physical evidence is described in the system and stored in sealed envelopes or containers. While the system has been implemented in compliance with the United Nations policies on information security and has passed the controls to be certified for storage of strictly confidential materials, most of the information received from Member States is available only as the original copy and stored in New York. The Mechanism's investigators can review the material upon request and follow a chain of custody regime to ensure that access to the material is recorded.

25. A separate network not connected to the Internet has also been placed in the Mechanism's office in The Hague. It contains forensic copies of the fact-finding mission material provided by OPCW, witness statements with identifiable names or information and highly sensitive documents.

26. Third, an agreement between the United Nations and the Netherlands concerning the Investigations Office of the Mechanism in The Hague was signed on 31 May and entered into force immediately. It covers, among other things, the status of the Office and its personnel, in addition to cooperation with the host State.

27. Lastly, to date, the Trust Fund set up for the Mechanism has received contributions from 13 donors in a total amount of \$8 million and pledges for an additional \$1 million. The Leadership Panel is grateful for the generous contributions of Member States, which allow the Mechanism to secure access to the resources necessary to conduct a professional investigation.

VI. Concluding remarks

28. Investigations into the nine cases under consideration by the Mechanism have all progressed. Every reasonable attempt is being made to consider and examine various plausible hypotheses presented in relation to each case. Consequently, the

Mechanism continues to consider all available information received to date while it collects further material. The investigators, therefore, continue to actively look for, analyse and assess information from Member States, non-governmental organizations and other available sources. Furthermore, the Mechanism is considering arrangements to enable it to conduct simulations of its case theories.

29. The Mechanism will provide a written report to the Security Council in August 2016. The report will contain its findings on the basis of the information collected, analysed and corroborated by the end of July 2016. Nevertheless, the Leadership Panel reaffirms that the identification of those responsible for the use of chemicals as weapons in the Syrian Arab Republic continues to depend on sufficiency of information, described as evidence of a credible and reliable nature to determine that a party was involved in the use of chemicals as weapons, pursuant to paragraph 20 of the Mechanism's first report (S/2016/142).

30. For this reason, the Leadership Panel reiterates that receiving prompt information from Member States and relevant stakeholders, including from the region, is crucial to the implementation of the mandate, as is the need for the Government of the Syrian Arab Republic to provide prompt responses to the requests of the Mechanism for information and/or access.

31. The Leadership Panel continues to develop and refine operational guidelines for this investigation: in the absence of a framework to guide its efforts in fulfilling its unprecedented mandate, the Mechanism has been developing guidelines and procedures, which may be useful for future bodies tasked with similar mandates. The Panel plans to submit to the Security Council the operational guidelines and procedures for investigating those involved in the use of chemicals as weapons.

32. Lastly, and in the light of the continued reports of the use of chemicals as weapons in the Syrian Arab Republic, the Leadership Panel reiterates its strong conviction that the use of chemicals as weapons, for any reason and under any circumstances, is totally abhorrent. The Panel reaffirms its belief that it is absolutely crucial to identify and hold the perpetrators of the use of chemicals as weapons accountable for this effort to serve as a deterrent of such acts in the future.

33. In conclusion, the Leadership Panel wishes to thank the Secretariat, especially the Office for Disarmament Affairs, OPCW, Member States and other stakeholders who have continued to support the Mechanism's efforts to fulfil its mandate.